

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49238 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

- =====
1. Pujan Chauhan Son of Late Khedu Chauhan,
 2. Shivbhajan Chauhan @ Shiv Bhajan Chauhan, Son of Late Khedu Chauhan,
 3. Birendra Chauhan, Son of Pujan Chauhan, all resident of village - Songar, P.S. - Chand, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-11-2015 Heard the counsel for the petitioners. No one has appeared on behalf of the State.

On perusal of the First Information Report registered Vide Chand P.S. case no. 46 of 2015 under Sections 341, 323, 325, 307 and 504/34 of the IPC, it appears that the parties are closely related. There is a counter version also in the shape of First Information Report lodged by petitioner no.3, Birendra Chouhan alleging similar about assault. Obviously the occurrence took place for possession of land.

Allegation is that the petitioners assaulted the prosecution side with danda.



Counsel for the petitioners referred to the impugned order of the learned Sessions Judge where it has been recorded that no injury report of the injured of the present case till date was available in the case diary. Counsel for the petitioners submitted that owing to the land dispute the occurrence had taken place in which both parties received injuries. There is no criminal antecedent of the petitioners.

Considering the above, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. In the event of arrest or surrender in the Court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Kaimur at Bhabua in connection with Chand P.S. case no. 46 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers in each case shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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