

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23252 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -WARSALIGANJ District- NAWADA

1. Mahavir Chauhan son of Pyare Chauhan resident of village - Jiyapur, P.S. Warsaliganj, District - Nawada.

..... Petitioner/s
Versus

1. The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Barsaliganj P.S.Case No. 26/2016 registered for offence punishable under Sections 341, 323, 307, 379, 504, 506/34 of the I.P.C.

The prosecution case is that on 26.02.2016 the informant was going to his house by cycle with Rs. 10,000/- of the wages after doing the work at brick kiln of Srikant Singh and in the way at Bagibardiha, his villager Mahavir Chauhan told him to drink wine and when the informant denied to do so, he threatened him of dire consequences and as they reached near a bridge of village Ziyapur at about 4 P.M., all the accused persons having



iron rod, lathi and danda in their hands, surrounded the informant and abused and assaulted the informant and the petitioner hit the informant with iron rod on his head due to which he fell down and on the sound of Bachao- Bachao the informant's son came to save him who was working at the boring the he was also assaulted by Chhotelal Chauhan and Chartira Chauhan with lathi-danda and also assaulted the informant. During course of assault Chhotelal Chauhan took Rs. 20,000/- from the pocket of the informant and on hulla nearby people came there and then they fled away giving threatening of dire consequences.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no case under Section 307 of the I.P.C. is made out against him as the injury report shows that no bony injury is caused on the person of the injured and all the injuries are simple in nature. He submits that the petitioner has no criminal antecedent as is evident from para-3 of this application.

The petitioner undertakes that as he has home and hearth in the village and there is no chance of absconding or tampering with the evidence and will cooperate with the investigation.

However, learned A.P.P. for the State submits that

the petitioner is named in the F.I.R., hence opposes the prayer for bail.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be release on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Barsaliganj P.S.Case No. 26 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--