

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11022 of 2017

Arising Out of PS.Case No. -109 Year- 2014 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Vijay Prasad Chourasiya @ Vijay Chourasiya S/o Late Paryag Chourasiya
 2. Akhilesh Chourasiya S/o Late Sahdeo Chourasiya
 3. Madhu Chourasiya S/o Late Beyas Chourasiya
 4. Bikash Chourasiya S/o Shambhu Chourasiya

All residents of Village - Srirampur, P.S. - Gaunaha, District - West Champaran. Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-03-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners, apprehending their arrest in connection with Gaunaha P.S. Case No. 109 of 2014 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code, seek the privilege of pre-arrest bail.

The petitioners are named in the First Information Report with allegation that petitioner No. 1 gave sword blow on the head of the father of the informant but Police after completing investigation did not sent-up these petitioners as against them sufficient evidence was not found and further against others



chargesheet was submitted under Sections 147, 148, 149, 341, 323 and 504 of the Indian Penal Code but the learned Magistrate after differing with the opinion of the Investigating Officer took cognizance against all under Section 307 of the Indian Penal Code also.

Submission is of false implication and that during investigation the petitioners' involvement has not been found resulting they have not been sent-up. In the First Information Report altogether 10 accused persons are named and 10-12 are unknown and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that against the petitioner No. 1 there is specific allegation to have assaulted with sword on head and, as such, the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering that after investigation, the petitioners have not been sent-up and as such, the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of



the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Bettiah, West Champaran in connection with
Gaunaha P.S. Case No. 109 of 2014, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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