

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21635 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -KADWA District- KATI HAR

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1. Mohan Chauhan S/o Late Dhannu Chauhan

2. Chandu Chauhan S/o Nathu Chauhan,

Both are Resident of Ungarha Chauhan Toli, P.S.- Kadwa, District- Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : None

For the Informant : Mr. Bhola Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-07-2017

Heard learned counsel for the petitioners and learned counsel for the informant. Despite repeated calls, nobody appears on behalf of the State.

The petitioners seek pre-arrest bail in connection with Kadwa P.S. Case No. 59 of 2017 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that there is a case and counter case and the injuries



sustained by the members of the prosecution party are mostly simple in nature. It is further contended that so far as the petitioners are concerned, it is stated that petitioner no.1 Mohan Chauhan assaulted with lathi on the head of one Nageshwar Chauhan. However, the said lathi injury was not found to be grievous in nature. It is further contended that since there is no allegation of repetition of blow, it cannot be inferred that the petitioners intended to kill the informant or any other member of the prosecution party.

Learned counsel for the informant has opposed the prayer for grant of pre-arrest bail to the petitioners. He submitted that so far as allegation against petitioner no.1 is concerned, there is specific allegation that he assaulted with lathi on the head of one Nageshwar Chauhan. However, he concedes that there is a counter case and certain members from the side of the petitioners have also sustained injuries.

Having regard to the submissions made above, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 59 of 2017 subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure, in the event of arrest
or surrender within a period of six weeks from today.

(Ashwani Kumar Singh, J.)

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