

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36293 of 2018

Arising Out of PS. Case No.-82 Year-2018 Thana- RUPASPUR District- Patna

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1. Ashok Chauhan,
 2. Lallu Chauhan @ Lal Babu Chauhan Both are sons of Hiralal Chauhan, resident of Mohalla- Tahal Tola, Police Station- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjum Perveen, Adv
For the Opposite Party/s : Mr. Sri Binod Kumar 3, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-11-2018 Heard learned counsel for the petitioners
and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,325,307/34 of the Indian Penal Code.

According to FIR, the petitioners bitterly assaulted to the informant which resulted in severe wounds leading to 33 stitches. The informant got treatment in the hospital of Dr. Sahjanand near Phulwari Gumati.

Submission of the learned counsel for the petitioners is that the occurrence allegedly took place on 28.02.2018 and the FIR was lodged on 03.03.2018.



On 29.03.2018 i.e. prior to lodging of the FIR, the police sent the requisition dated 29.03.2018 for injury report stating therein that the informant got treatment on 03.03.2018 at Sub-divisional Hospital, Danapur. The injury report reveals that single stitch wound was found by the Doctor besides two other lacerated wounds. Further submission is that after procurement of fictitious injury report granted by Dr. Kamal Kishore Jha on 29.03.2018 before whom the informant never claims to be treated, the present false case has been lodged. The petitioners have got no criminal antecedent.

Finding substance in the submission of learned counsel for the petitioners that there is serious contradiction in the statement of the informant regarding claim of number of injuries sustained and the medical report which was granted after one month of the occurrence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is



pending in connection with Rupaspur P.S.Case No. 82 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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