

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6363 of 2018

Arising Out of PS. Case No.-134 Year-2017 Thana- MANPUR District- Nalanda

-
1. Raj Karan Chauhan, S/o- Hriday Narayan Chauhan
 2. Shambhu Chauhan, S/o- Baldeo Chauhan
 3. Gorelal Chauhan, S/o- Sadhu Chauhan,
 4. Aman Kumar, S/o- Raj Karan Chauhan, All are Resident of Village- Bisunpur Beldari, P.S.- Manpur, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 307, 341, 323, 504, 147, 148 and 149 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Ganpat Chauhan, recorded by Sub-Inspector of Police of Manpur Police Station on 22.09.2017 in Jeevan Deep Hospital is to the effect that on 03.09.2017 at 1 P M, the informant along with his father was getting the land measured, in the meantime, the accused persons including the petitioners came and started abusing. Petitioner no.1, Raj Karan Chauhan was armed with single barrel gun, whereas petitioner no.2, Sambhu Chauhan was armed with



loaded country made pistol and iron rod. Petitioner no.2, Shambu Chauhan resorted to fire, which misfired, thereafter, he assaulted with iron rod and butt of the gun causing injury on the head of the informant. Subsequently, the informant was taken to Sadar Hospital and from there he was referred to PMCH, but in spite of going to PMCH, the informant went to Jeevan Deep Hospital.

It is submitted by learned counsel for the petitioners that for the occurrence of 03.09.2017, the fardbeyan was recorded on 22.09.2017 and the FIR got registered on 06.10.2017. Though, the injury of the informant was found to be grievous, but there is counter version of the occurrence also being Manpur P.S. Case No. 135 of 2017, which was registered on the basis of fardbeyan of Paras Chauhan, recorded on 03.09.2017 itself, though, the same was maliciously got registered on 06.10.2017 due to laches on the part of the police. Three persons from the petitioners' side received injury, out of which, one person has received grievous injury. A statement has been made in paragraph no.3 of the petition that the petitioners had been made accused in two other cases also, but in those cases, they are on bail.

Considering the specific accusation of assault against



petitioner no.2, Shambhu Chauhan, this Court is not inclined to grant privilege of anticipatory bail to him.

Let the learned Court below consider the prayer for regular bail of petitioner no.2, Shambhu Chauhan, keeping in view the delayed lodging of the FIR and the counter version of the occurrence.

So far as petitioner nos. 1, 3 and 4 are concerned, since there is no specific accusation of assault against them, let the above named petitioner nos. 1, 3 and 4, be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VII, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 134 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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

