

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10004 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- UPHARA District- Aurangabad

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1. Gautam Chaubey @ Gautam Kumar Chaubey, aged about 30 years, Gender-Male, S/o Late Gobardhan Chaubey.
 2. Mritunjay Chaubey @ Mritunjay Kumar Chaubey, aged about 45 years, Gender-Male, S/o Late Ram Sakal Chaubey.
 3. Anant Chaubey @ Anant Kumar Chaubey @ Aanand Kumar Chaubey, aged about 25 years, Gender-Male, S/o Mritunjay Chaubey.
 4. Shubham Chaubey @ Shubham Kumar Chaubey, aged about 18 years, Gender-Male, S/o Mritunjay Chaubey.
 5. Chandan Chaubey @ Chandan Kumar Chaubey, aged about 32 years, Gender Male, S/o Mritunjay Chaubey.
- All are Resident of Village- Hamidnagar, P.S.- Uphara, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Uphara P.S. Case No.39 of 2018 registered for the offences punishable under Sections 307, 341, 323, 448, 504, 506 and Section 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegations against these petitioners are that they had entered in the house of the informant lashed with Lathi and Iron Rods. There is allegation of assault against petitioner nos.1 and 2 upon



the informant and his mother respectively but on perusal of the injury report available at Annexure 2 Series it would appear that no injury caused by Iron Rods could be noticed on the body of the informant and no injury could be found on the body of the mother of the informant. Learned counsel thus submits that the petitioners and the informant being agnates and fighting over land dispute have indulged in falsely implicating these petitioners in the present case.

Learned APP for the State has though opposed the prayer for anticipatory bail but on the face of the injury report available he could not satisfy the Court that any Iron Rod injury has been caused.

In the given facts and circumstances, considering the nature of allegations and the injury report, this Court is inclined to grant privilege of anticipatory bail to the petitioners, in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned .S.D.J.M, Daudnagar, District -Aurangabad in connection with Uphara P.S. Case No. 39 of 2018, subject to the condition that petitioners shall join the



investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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