

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20166 of 2019

Arising Out of PS. Case No.-246 Year-2018 Thana- AKBARPUR District- Nawada

1. HIRAMAN CHAUHAN Son of Pyare Chauhan R/o village- Manka, P.S.- Akbarpur, District- Nawada
2. Mathura Chauhan Son of Pyare Chauhan R/o village- Manka, P.S.- Akbarpur, District- Nawada
3. Ashok Chauhan Son of Parmeshwar Chauhan R/o village- Maksudhpur, P.S.- Khijarsarai, District- Gaya, At Present R/o village- Manka, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-04-2019 Heard both sides.

The petitioners apprehend their arrest in Akbarpur P.S. case No. 246 of 2018 registered under Section 307 and other minor Sections of the IPC.

The informant alleged that when Chhotelal Chauhan was going to ease out towards pine, the petitioners and other accused persons caught him. Mathura Chauhan, petitioner No.2, assaulted Chhotelal Chauhan with Khanti on his head. Ashok Chauhan, petitioner No.3, assaulted Chhotelal Chauhan with stick on his head. When Dharmendra Chauhan came to save, Malu Chauhan assaulted Dharmendra Chauhan with Lathi on



his head. Sunder Chauhan assaulted Dharmendra Chauhan with with iron rod. Hiranman Chauhan pointed pistol on the informant.

The learned counsel for the petitioners submits that the informant alleged that the occurrence took place on 02.10.2018 but the written information was given on 08.10.2018; that is after six days of the occurrence. The FIR reached the court on 25.10.2018. The delay in institution of the case after six days of the occurrence and sending the FIR to the police station after 16 days of the institution of FIR create reasonable doubt about the veracity of the allegation made by the informant. In fact Mathura Chauhan, petitioner, No.2, lodged Akbarpur P.S. case No. 239 of 2018 on 04.10.2018 stating that the accused persons assaulted him on 03.10.2018 at 5 in the evening and in order to save from Akbarpur P.S. case No. 239 of 2018 the informant and her other family members lodged this case very belatedly. It is further submitted that injury found on the person of Chhotelal Chauhan is opined to be simple in nature.

Taking into consideration the facts that much prior to institution of the present case, Mathura Chauhan, petitioner No.2, instituted Akbarpur P.S. case No. 239 of 2018 on 04.10.2018 whereas the informant lodged the case on 08.10.2018



with regard to the occurrence said to have taken place on 02.10.2018, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. case No. 246 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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