

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44482 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- KATIHAR MUFFASIL District- Katihar

1. Gautam Chouhan, Son of Late Jagdish Chouhan, Resident of village- Dighhi Katihar, Chouhan Tola Gate No. 3, P.S.- Muffasil, District- Katihar.
2. Amal Chouhan @ Amal Kumar, Son of Late Jagdish Chouhan, Resident of village- Dighhi Katihar, Chouhan Tola Gate No. 3, P.S.- Muffasil, District- Katihar.
3. Bimal Chouhan, Son of Late Jagdish Chouhan, Resident of village- Dighhi Katihar, Chouhan Tola Gate No. 3, P.S.- Muffasil, District- Katihar.
4. Sudama Chouhan, Son of Late Shankar Chouhan Resident of village- Dighhi Katihar, Chouhan Tola Gate No. 3, P.S.- Muffasil, District- Katihar.
5. Krishna Chouhan @ Kishan Chouhan, Son of Late Shankar Chouhan Resident of village- Dighhi Katihar, Chouhan Tola Gate No. 3, P.S.- Muffasil, District- Katihar.
6. Manoj Chouhan, Son of Sabal Chouhan, Resident of village- Dighhi Katihar, Chouhan Tola Gate No. 3, P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 71 of 2019 registered under Sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that Informant, Mukesh Kumar,



was being threatened by his neighbour, Amit Kumar on pretext of having illicit relation by the informant with the wife of Amit Kumar. When he tried to inform the police about the aforesaid matter then eight persons named in the F.I.R. including the petitioners variously armed with weapon entered in the house of informant and started to abuse. At that time, Amit Chouhan gave sword blow at the head of informant, in which, he fell down then all started to assault him. When his sister, Sobha Devi, came to save him then they tried to unfold her sari and caused assault to her through fist, slaps and lathi and also snatched her gold chain from her neck. Thereafter, Raju Kumar and his friend, Gopi Kumar came there then Manoj (petitioner no.6) and Amit started assaulting to his friend Gopi Kumar through sword causing injury at his left hand and also damaged his motorcycle.

Learned counsel for the petitioners submits that there is specific allegation against co-accused Amit Chouhan to cause injury through sword at the head of informant whereas the allegation against petitioner no. 6 to cause injury at the left hand of Gopi Kumar, friend of informant, through sword but the injuries, as found on the person of Gopi Kumar, is simple in nature caused by hard and blunt substance. Moreover, occurrence took place, in which, petitioners' side also sustained



injury, regarding which, Muffasil P.S. Case No. 72 of 2019 is instituted on the basis of written report of Kiran Devi, wife of co-accused, Amit Chouhan.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.Ist Class, Katihar, in connection with Muffasil P.S. Case No. 71 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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