

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62491 of 2019**

Arising Out of PS. Case No.-213 Year-2017 Thana- DEEPNAGAR District- Nalanda

SHEONANDAN CHOUHAN Son of Late Karu Chouhan Resident of Village
- Lal Bagh, P.S.- Deep Nagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 23-10-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 18.5.2019 in a case registered for the offences punishable under Sections 341,323,324,325,326,307 and 504/34 of the I.P.C. Section 302 of the IPC was subsequently added.

The prosecution case as per the Fardbeyan of Shyamdeo Chouhan dated 4.7.2017 is to the effect that the petitioner along with other co-accused came armed with deadly weapon and started abusing the mother of the informant. On protest being made, the petitioner is alleged to have assaulted the informant's mother causing fracture injury on her left arms. Thereafter, when the father of the informant, namely, Jagdeo Chouhan came to rescue, on the order of the petitioner, co-accused Upendra Chouhan assaulted with Garasa on the head of the informant's



father. Co-accused Raja Chauhan also assaulted the informant's father causing injury on his eyes, whereafter the father of the informant succumbed to the injury. When the brother of the informant came to rescue, he was also assaulted.

It is submitted by learned counsel for the petitioner that the accusation of assault to the father of the informant is not attributed to the petitioner. There is no injury report of the informant's mother who is alleged to have been assaulted by the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is accused in two other cases but he is on bail in one case and has been acquitted in the other case. It is further submitted that the deceased is the own brother of the petitioner and in the background of land dispute, the accusation has been levelled against the petitioner.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the fact that petitioner is not the assailant of the deceased, investigation has already concluded and the period in custody, let the petitioner above named be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM, Nalanda at Biharsharif in



connection with Deepnagar P.S. Case No.213 of 2017.

The provisional bail of the petitioner will be confirmed by the learned court below if it is found from the record that the mother of the informant has not received grievous injury. In case, it is found that the mother of the informant has received grievous injury, the petitioner will surrender and pray for bail after framing of charge.

(Dinesh Kumar Singh, J)

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