

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1727 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. VINOD CHAUHAN Son of Laxman Chauhan Resident of Village - Sangrampur Gopal, P.S.- Phulwariya, Distt.- Gopalganj.
2. Manoj Chauhan Son of Lahwar Chauhan Resident of Village - Sangrampur Gopal, P.S.- Phulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 324, 302/504 of the Indian Penal Code.

Prosecution case in short is that on the alleged date of occurrence, while father of the informant along with other brothers was playing Daga at his door on the occasion of



Mahaviri Akhara, the accused persons having armed with Lathi, Farsa and sword came there and started assaulting to his father. On hulla, some more persons came there and started abusing with brother of father of the informant. The informant's father, having sustained injury by assault, became unconscious.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. As per the allegation made in the FIR, the sharp edged weapon is said to have been used in course of occurrence but the postmortem report does not indicate any such injury caused by sharp cutting weapon. The allegation made in the FIR is not corroborated by the postmortem report.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gopalganj in



connection with Phulwariya P.S. Case No. 198 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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