

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9160 of 2020

Arising Out of PS. Case No.-790 Year-2019 Thana- BUXAR District- Buxar

CHHATHU CHOUHAN @ CHHOTU CHAUHAN Son of Uma Shankar Chauhan Resident of Village-Shanti Nagar-Baxur, P.S.-Baxur(T), District-Buxur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagdish Prasad

For the Opposite Party/s : Mr. Ashok Kumar

Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Buxar (T) P.S. Case No. 0790 of 2019 for the offence registered under Sections 341, 448 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 14.11.2019 at about 8:30 P.M. in the night, the informant, after dropping a relative at the Buxar station, was returning to his home on a



motorcycle and when he reached in front of R.P.F. barrack, five accused persons including the petitioner herein, started firing with pistol and katta resulting in him sustaining bullet injury. It is further alleged that the informant was inflicted with six bullet injuries and while three bullets had scrapped his body, the other three bullets have been taken out of his body at the hospital.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated and is having a clean antecedent. It is further submitted that the informant is a dreaded criminal and several cases have been lodged against him, hence he appears to have been hit by gun shots by his enemies and as far as the petitioner is concerned, he is a poor labourer and there is no material on record to show his complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, have gone through the materials on record and perused the case diary. It is apparent from a bare perusal of the case diary that no injury report of the informant is on record, which creates a doubt about the genuineness of the alleged occurrence, hence benefit of doubt can be extended to the petitioner herein for the



purposes of grant of anticipatory bail, especially in view of the fact that the petitioner is having a clean antecedent, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar(T) P.S. Case No. 790 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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