

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24951 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

1. Rajan Chauhan, aged about 25 years, Gender-Male, Son of Banka Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.
2. Gaya Chauhan, aged about 20 years, Gender-Male, Son of Banka Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.
3. Dhananjay Chauhan, aged about 19 years, Gender-Male, S/o Banka Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.
4. Suraj Chauhan @ Suraj Kumar, aged about 20 years, Gender-Male, S/o of Suresh Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.
5. Ashok Chauhan @ Ashok Kumar, aged about 22 years, Gender-Male, S/o Suresh Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.
6. Banka Chauhan, aged about 52 years, Gender-Male, Son of Sheoratan Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.
7. Prabhu Chauhan, aged about 50 years, Gender-Male, Son of Sheoratan Chauhan Resident of Village- Kuchaikote, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Indrajeet Bhushan, Advocate.
For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-10-2020 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.

Learned counsel for the petitioners is directed to



remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offences registered under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the I.P.C.

The prosecution case, in short, is that on the alleged date and occurrence, the informant Rupesh Gupta was going to Kuchaikot Bazar from his house and in the way at Brahmsthan, petitioners having armed with *Lathi*, *Danda*, *Knife* and other deadly weapons attacked on him. First of all, petitioner no. 5 Ashok Chauhan and petitioner no. 1 Rajan Chauhan caught his hands by encircled him and rest petitioners started assaulting him with *Lathi* and *Iron-rod* and in that course, petitioner no. 2 Gaya Chauhan inflicted *Dab* blow on his head as a result of which, he sustained head injury and became unconscious and fell down on the ground. When he regained consciousness, he found him in P.H.C., Kuchaikot. It is also alleged that the petitioners took out cash Rs. 4,810/- from his pocket and gold chain from his neck.

It has been submitted on behalf of the petitioners that



the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out in the present case. Except for Section 307 of the I.P.C., rests of the offences are triable by the Magistrate.

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

Considering the aforesaid facts and circumstances of the case, the petitioners in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Gopalganj, in connection with Kuchaikote P.S. Case No. 34/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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