

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25012 of 2020

Arising Out of PS. Case No.-299 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

1. BIJO CHAUHAN @ BIJNANDAN CHAUHAN Son of Late Ram Ji Chauhan Resident of Vill- Lohada, P.S.- Mufassil, District Nawada.
2. Nepali Chauhan Son of Bijo Chauhan @ Bijnandan Chauhan Resident of Village- Lohada, P.S.- Mufassil, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard Mr. Rajesh Kumar Mishra, learned counsel for the petitioners and Mr. Akshay Lal Pandit learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Muffasil P.S. Case No. 299 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307 and 34 of the Indian Penal Code 1860. Subsequently, Section 302 of the Indian Penal Code has been added.

The allegation as per the First Information Report is that the husband of the informant was assaulted by three named accused persons by means of *lathi* and iron rod on his head due



to which he died in the Hospital.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case as an after thought. Learned counsel further submits that from perusal of the First Information Report it would be evident that the occurrence has taken place on 30.09.2019 and the informant has specifically mentioned the names of three persons who assaulted her husband. The petitioners are not named in the First Information Report. Learned counsel referring to paragraphs 9 and 10 of this petition submits that after the death of husband of the informant on 2.10.2019, the statement of father of the deceased was recorded by the Police on 3.10.2019 wherein he has allegedly said that he came to know that the petitioners were also present at the place of occurrence, and except this, there is nothing against the petitioners. Learned counsel further submits that the petitioners have got no criminal antecedents.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that there is no specific allegation of assault against the petitioners in the First Information Report or even in the statement of father of the deceased, recorded subsequently, I am inclined to grant anticipatory bail to the petitioners.



Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall 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 Chief Judicial Magistrate, Nawada, in connection with Muffasil P.S. Case No. 299 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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