

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80476 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- MANPUR District- Nalanda

1. Gautam Chauhan @ Gautam Nonia Son of Arjun Chauhan, Resident of Village - Newajee Bighha, P.S.- Manpur, Distt.- Nalanda.
2. Manoj Chauhan @ Manoj Kumar Son of Arjun Chauhan, Resident of Village - Newajee Bighha, P.S.- Manpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

5 10-12-2020 Heard Mr. Rudal Singh, learned counsel for the petitioners and Mr. Harendra Prasad, learned counsel for the State through video conferencing.

In the present case, the petitioners are seeking anticipatory bail in connection with Manpur P.S. Case No. 23 of 2019 registered for offence under sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

Allegation has been made by the informant, 20 days before the incident, his son had given Rs.500/- and one mobile to Devanand Chauhan and when he asked to return the money and mobile and to remove the Gumti which he was running unauthorisedly on his land then Devanand Chauhan, Manoj, Chauhan, Gautam Chauhan and Arjun Chauhan started assaulting to Deepak Kumar. When Puspa Devi and mother Jitan Devi of the



informant rushed forward to save Deepak Kumar whereupon allegation has been made that Devanand Chauhan assaulted to Deepak Kumar and Manoj Chauhan assaulted to Pushpa Devi by iron rod as well as Gautam Chauhan also assaulted to Jitni Devi by iron rod and caused serious injury.

Learned counsel for the petitioners submits that co-accused Devanand Chauhan has been granted anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 56868 of 2019 on 09.09.2019 and the petitioners should also be granted the same relief, but from the record it appears that both the petitioners assaulted severely on the head of both lady and the injury report supports the prosecution case.

In such view of the matter, this Court is not inclined to grant bail to the petitioners and accordingly their prayer for grant of anticipatory bail is rejected. However, if the petitioners surrender before the court below and pray for regular bail, the court below without being prejudiced by this order will decide the case taking into consideration the order passed in the aforesaid person and also on the basis of materials available on record.

(Shivaji Pandey, J)

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