

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12066 of 2021

Arising Out of PS. Case No.-675 Year-2020 Thana- ISLAMPUR District- Nalanda

1. MOHAN CHAUHAN Son of Shivalak Chauhan Resident of Village - Gulab Nagar, P.S.- Islampur, Dist.- Nalanda.
2. RAVI CHAUHAN Son of Shivalak Chauhan Resident of Village - Gulab Nagar, P.S.- Islampur, Dist.- Nalanda.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Mukesh Kumar, Advocate.
For the State	:	Mr. Atul Chandra, A.P.P.
For the Informant	:	Mr. Shyamal Prakash, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 15-11-2021 The applicants/accused in Crime No.675 of 2020 registered with Police Station-Islampur for the offences punishable under Sections 341, 323, 504, 307, 379, 506, 34 of the Indian Penal Code at the instance of the first informant Maha Devi by this application is claiming regular bail on filing of the charge-sheet.

Heard learned counsel appearing for the
applicants/accused.

He submitted that in respect of the same incident, accused Fula Devi has filed F.I.R. bearing Crime No.679 of 2020 at the same police station and investigation of the crime in question is already over. It is further argued that the injuries



suffered by the victims are simple in nature and, therefore, the applicants be released on bail during the pendency of the trial.

Learned Additional Public Prosecutor opposed the application by contending that serious injuries are caused to the victims by the applicants and the co-accused. Therefore, the applicants are not entitled for regular bail.

Learned counsel appearing for the first informant opposed the application by contending that the victim Bishun Chauhan has suffered fracture injuries to his 6th rib apart from injuries to his brain in the incident in question. He drew my attention to the report of Star Imaging and Diagnostic Centre to point out one wound suffered by the victim Bishun Chauhan and contended that the applicants should not be released on bail.

I have considered the submissions so advanced and perused the materials placed before me including the two F.I.Rs.

First informant Maha Devi in the F.I.R. lodged by her averred that when her nephew Bishun Chauhan was going to the field for doing agricultural operations, the present applicants along with the co-accused assaulted him by means of sticks. She further averred that then her sons Rohit Kumar and Guddu Kumar went to intervene but the accused persons assaulted them. She also claimed to be injured in the incident in question.



Perusal of the medical report shows that the injured Bishun Chauhan has suffered hemorrhagic contusion at multifocal areas of the right fronto-temporal lobe apart from the subdural hematoma. He has also suffered fracture injury to his 6th rib. The injuries to victim Rohit Kumar seem to be simple in nature whereas it is seen that the first informant Maha Devi has not suffered injuries worth mentioned in the incident in question. There is counter F.I.R. lodged by the accused party in respect of the same incident. Investigation of the crime in question is over. No criminal antecedents of the applicants are pointed out.

In this view of the matter, considering the accusation against the applicants, the applicants deserve to be released on bail. Therefore, the order:

(i) The application is allowed.

(ii) The applicants/ accused in in Crime No.675 of 2020 registered with Police Station-Islampur for the offences punishable under Sections 341, 323, 504, 307, 379, 506, 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety in the like amount to the satisfaction of the trial court with the following conditions:



(I). The applicants should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II). The applicants should cooperate the trial in expeditious disposal of the trial against them.

(III). The applicants should not repeat commission of similar offence in future and if they breach of these conditions, the prosecution or the first informant shall be free to apply for cancellation of bail granted to the applicants in this case.

(A. M. Badar, J)

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