

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30741 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. MANOJ CHOUEHAN S/o Patali Chouhan Resident of Village-Bari Khajuri, P.S.-Shambhuganj, District-Banka.
2. Anil Chouhan @ Anil Kr. Bind S/o Patali Chouhan Resident of Village-Bari Khajuri, P.S.-Shambhuganj, District-Banka.
3. Raja Kumar Chouhan @ Raja Kumar S/o Manohar Chouhan @ Monari Mandal Resident of Village-Mirjapur, P.S.-Shambhuganj, District-Banka.
4. Chuna Devi W/o Manohar Chouhan @ Monari Mandal Resident of Village-Mirjapur, P.S.-Shambhuganj, District-Banka.
5. Pande Lal Bind S/o Mahendra Bind Resident of Village-Chautara, P.S.-Shambhuganj, District-Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 22-03-2021 The prayer for pre-arrest bail filed on behalf of petitioner No. 1 Manoj Chouhan and petitioner No.3 Raja Kumar Chouhan @ Raja Kumar has already been dismissed as withdrawn vide order dated 12.02.2021.

Heard learned counsel for the petitioner and the learned A.P.P. for the State on the prayer of pre-arrest bail of petitioner No.2 Anil Chouhan @ Anil Kr. Bind, petitioner No.4 Chuna Devi and petitioner No.5 Pande Lal Bind.

The petitioner Nos. 2, 4 and 5 apprehend their



arrest in connection with Shambhuganj P.S. Case no. 21 of 2020, registered under Sections 302 and 120(B)/34 of the Indian Penal Code.

The accusation is that there was land dispute in respect of partition of land in between Vijay Chouhan, husband of informant, and her uncle Patali Chouhan and his family. Earlier, the land was sold by uncle of her husband, but the money was not given to her husband as per her share and on demand they were threatened for dire consequence. In the morning of 29.01.2020, the informant Sanju Devi came to know that her husband has been killed brutally near the house of Kapil Choudhary. The informant further claimed that her husband has been killed under the conspiracy of Patali Chouhan, Anil Chouhan (Petitioner no.2), Manoj Chouhan, Raja Kumar Chouhan, Chuna Devi (Petitioner No.4), and Pande Lal Bind (Petitioner No.5).

Learned counsel for the petitioner Nos. 2, 4 and 5 submits that it would appear from the F.I.R. and the case diary, which is up to paragraph-59, that none have seen the occurrence, rather, petitioner Nos. 2, 4 and 5 have falsely been implicated in this case due to dispute of partition of land. The petitioner Nos. 2, 4 and 5 have no criminal



antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. **2, 4 and 5, namely, Anil Chouhan @ Anil Kr. Bind, Chuna Devi and Pande Lal Bind**, respectively, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IV, Banka in connection with Shambhuganj P.S. Case No. 21 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

