

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.735 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- KISHUNPUR District- Supaul

1. RAMBHROSH CHAUHAN, Son of Prakash Chauhan Resident of Village - Beldar Tola, Ward No. 13, P.S.- Kishanpur, Distt.- Supaul.
2. Vijay Chauhan Son of Shesh Narayan Chauhan Resident of Village - Beldar Tola, Ward No. 13, P.S.- Kishanpur, Distt.- Supaul.
3. Rajnish Chauhan Son of Vijay Chauhan Resident of Village - Beldar Tola, Ward No. 13, P.S.- Kishanpur, Distt.- Supaul.
4. Akhilesh Chauhan Son of Ram Prasad Chauhan Resident of Village - Beldar Tola, Ward No. 13, P.S.- Kishanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-08-2021 Heard Mr. Ranjay Kumar Singh, learned counsel

for the petitioners and Mr. Kuldeep Kumar, learned

counsel for the informant. The State is represented by

Mr. Bharat Lal, learned APP.

The petitioners seek bail in anticipation of their

arrest in connection with Kishanpur P. S. Case No. 74

of 2020, dated 07.04.2020, instituted for the offences

under Sections 147, 148, 149, 341, 342, 323, 307,

379, 354 (B), 504 and 506 of the Indian Penal Code.



The informant and three others are said to have been injured in the assault perpetrated by the accused persons including the petitioners. The specific accusation of assault on the husband of the informant who has received grievous injury is on petitioner nos. 1 and 2. Three other injured persons have received only simple injuries.

The learned counsel for the petitioners has submitted that though the injuries on the husband of the informant was initially not found to be grievous but after the CT Scan and further assessment of the nature of injury, it was found to be grievous. The husband of the informant is still under-going treatment.

The learned counsel for the petitioners has also pointed out that for the occurrence which had taken place on 29.03.2020, the case was lodged on 07.04.2020. The delay in lodging the F.I.R. has not been explained and, therefore, the accusation against the petitioners cannot be accepted in its entirety.



The petitioners are close neighbours of the informant and there is some dispute going on between them from before.

Considering the afore-stated arguments, the petitioners were granted provisional bail *vide* order dated 24.06.2021.

However, on perusal of the injury report of the husband of the informant, who is said to have been injured in a grievous manner by petitioner nos. 1 and 2, I am not inclined to grant anticipatory bail to them.

The provisional anticipatory bail granted to petitioner nos. 1 and 2 is withdrawn. The application on their behalf is rejected. Should they surrender before the court below and seek bail, their application shall be considered on its own merits, without being prejudiced by the fact that the present petition on their behalf has not been allowed.

The petitioner nos. 3 and 4, though, have participated in the occurrence, but they are not said to



have caused any grievous injury on anyone of the victim.
Therefore, the provisional bail granted to them is,
hereby, confirmed. They shall remain on the same bail
bonds.

The application on behalf of petitioner nos. 3
and 4 stands allowed.

This petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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