

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3721 of 2021

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

1. Balindar Chauhan @ Balindra Chauhan, aged about 48 years, Male, S/O Late Ram Ji Chauhan, Resident Of Village-Lohada, P.S.-Mufassil, District-Nawada.
2. Arvind Chauhan, aged about 22 years, Male, S/O Balindar Chauhan @ Balindra Chauhan, Resident Of Village-Lohada, P.S.-Mufassil, District-Nawada.
3. Nakul Chauhan, aged about 21 years, Male, S/O Balindar Chauhan @ Balindra Chauhan, Resident Of Village-Lohada, P.S.-Mufassil, District-Nawada.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajesh Kumar Mishra, Advocate.
For the Informant	:	Mr. Subodh Kumar, Advocate.
For the State	:	Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in



connection with Muffasil P.S. Case No. 299/2019 for the offence registered under Sections 341, 323, 324 and 307/34 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that on 30.09.2019, at around 5.00 P.M., the husband of the informant, namely, Mahesh Chauhan, was going to *Devi Asthan* from his house and when he reached near the house of Birendra Chauhan, her co-villagers, namely, Vikash Chauhan, Nitish Chauhan and Yogendra Chauhan, armed with *Lathi* and *Iron rod* assaulted on the head of her husband, upon which, he become seriously injured. It is further alleged that firstly, Vikash Chauhan assaulted with *Iron rod* on the head of her husband. All the accused persons were assaulting her husband continuously and thereafter they fled away. The informant brought her husband to Nawada for his treatment but seeing the serious condition of her husband, the doctor has referred to Patna where his treatment is going on.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners are not named in the F.I.R. The



informant is the eye witness to the alleged occurrence. The specific allegation of assault is alleged against Vikash Chauhan, Nitish Chauhan and Yogendra Chauhan. Subsequently, in course of investigation, the father of the deceased has stated that the petitioners were also present at the place of occurrence. Similarly situated co-accused persons have been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 25012 of 2020 under order dated 15.10.2020, annexed as Annexure-2 to the present application.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Mufassil P.S. Case No. 299/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only



each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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