

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1018 of 2021

Arising Out of PS. Case No.-16 Year-2020 Thana- GOPALPUR District- Gopalganj

1. Jagdish Chauhan, son of Late Rudal Chauhan
2. Biresh Chauhan @ Biresh Kumar, son of Ram Surat Chauhan
3. Banarashi Chauhan @ Banarashi Noniya @ Banarsi Kumar, son of Suresh Chauhan
4. Angad Chauhan @ Angad Kumar, son of Suresh Chauhan
All resident of village - Barhara, P.S.- Gopalpur, District- Gopalganj.
5. Munna Chauhan, son of Ram Naresh Chauhan, resident of Baraipatti,
Gopalpur, P.S.- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-12-2021 Heard Mr. Ashhar Mustafa, learned counsel for the

petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the

State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Gopalpur P.S. Case No. 16 of 2020 corresponding to G.R. No. 331/2020 registered for the offences punishable under Sections 341, 323, 324, 307, 504 read with Section 34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was sitting at his door, all the accused



persons named in the F.I.R. started making construction of roof of their house which was reaching over the house of the informant, the informant objected the same, thereafter all the accused persons started assaulting the informant and his uncle by *farsa*. It is further alleged that when his grand-mother came to rescue them she was also assaulted by petitioner no. 3 by lathi. When his cousin brother reached there to save them he was assaulted by petitioner no.4 by lathi, thereafter all the injured persons were taken to Sadar Hospital, Gopalganj, for better treatment.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that petitioners and his family members also have received grievous injuries at the behest of Dinesh Thakur the informant and his family members. An F.I.R. has been registered by the petitioners' side vide Annexure '2' to this application.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the material showing that petitioner no. 2 (Biresh Chauhan @ Biresh Kumar) had allegedly assaulted Munna Thakur by a *Farsa* and Munna Thakur has



sustained seven injuries out of which two injuries are grievous in nature and further that petitioner no. 5 (Munna Chauhan) has allegedly assaulted the informant who has sustained five injuries one of which is grievous in nature, this court is not inclined to grant privilege of anticipatory bail to petitioner nos. 2 and 5 namely, Biresh Chauhan @ Biresh Kumar and Munna Chauhan.

Prayer for pre-arrest bail of petitioner nos. 2 and 5 is, thus, refused.

In case, they surrender and pray for regular bail in the learned court below within four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this court.

So far as petitioner nos. 1, 3 and 4 are concerned, considering that though they have also participated in the alleged occurrence but there is a counter case as well and the injuries allegedly attributed to them are simple in nature, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioner nos. 1, 3 and 4 above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Gopalpur



P.S. Case No. 16 of 2020, corresponding to G.R. No. 331/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1, 3 and 4 and in case at any stage it is found that the petitioner nos. 1, 3 and 4 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 1, 3 and 4. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

