

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16303 of 2021

Arising Out of PS. Case No.-356 Year-2020 Thana- CHANDI District- Nalanda

1. Gorelal Chauhan, aged about 48 years (Male), S/O Late Bhola Chauhan, R/o village- Sbalpur, P.S.- Chandi, District- Nalanda.
2. Chandan Kumar, aged about 19 years (Male), S/o Gorelal Chauhan, R/o village- Sbalpur, P.S.- Chandi, District- Nalanda.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Kumar Singh, Advocate
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Chandi P.S. Case No. 356 of 2020 for the offence registered under Sections 341, 323, 307 and 379/34 of the I.P.C.

The prosecution story, in brief, is that on 12.08.2020 when the informant and one other were returning to their village after purchasing household articles from grocery shop, in the



meantime, co-accused Arvind Kumar Chauhan, Gorelal Chauhan (petitioner no. 1), Chandan Chauhan (petitioner no. 2), co-accused Manoj Chauhan, Pappu Chauhan and Sunil Chauhan came there and due to previous dispute, the petitioners assaulted the informant with *butt* of the pistol causing injury on his forehead and also assaulted with an *Iron rod* on his back. It is further alleged that the petitioner no. 2 and co-accused Sunil Chauhan snatched golden chain from his neck. When the family members of the informant assembled there the accused persons fled away from there after open firing.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. As per allegation, the petitioners are said to have used the butt of the gun for assaulting the informant. From the above fact, it is evident that the petitioners had no intention to commit murder of the victim. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out in the present case.

On behalf of the State, it is submitted that the petitioners are 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa, Nalanda, in connection with Chandi P.S. Case No. 356 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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