

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43581 of 2021**

Arising Out of PS. Case No.-32 Year-2021 Thana- RAUTARA District- Katihar

PRATAP CHOUHAN @ RAM PRATAP CHAUHAN S/o Late Sukar
Chouhan Resident of Village- Gondpur, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 22-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 06.03.2021, seeks
regular bail in connection with Rautara P.S. Case No. 32 of 2021
registered for offences punishable under Sections 341, 323, 307,
379, 504 and 506/34 of the Indian Penal Code.

Prosecution story in brief is that while the informant
was going to Rautara Market located at Katihar Block, District-
Katihar, on 01.03.2021 at about 6:30 p.m., all the accused
persons named in the F.I.R. including the present petitioner
(Pratap Chouhan) assaulted the informant by means of *Lathi*,
Danda and *Gadasa*. There is specific allegation against the
petitioner that he had assaulted the informant with *Gadasa* on



his head which caused injury. The doctor of Sadar Hospital, Katihar has opined that the injury is caused due to sharp weapon and is grievous in nature.

Learned counsel appearing on behalf of the petitioner submits that the allegation made in the F.I.R. is not sustainable because the F.I.R. has been lodged after three days of occurrence which took place on 01.03.2021, while the distance of police station from the place of occurrence is just four kilometer and as such the allegation made in the F.I.R. cannot be relied upon. He further submits that petitioner had not assaulted the informant nor any other person named in the F.I.R. There is land dispute between the two families and due to inimical terms a false case has been instituted against the petitioner. Petitioner is in custody since 06.03.2021 for no fault.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case as well as having perused the F.I.R., prima facie it appears that the F.I.R. has been lodged after three days, no doubt there is land dispute between the parties and both the informant and the petitioner are having inimical terms and there is no allegation of tampering the evidence or influencing the witnesses against the



petitioner and there is no likelihood of the trial being concluded in near future, the Court below is directed to enlarge the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Katihar in connection with Rautara P.S. Case No. 32 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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