

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55426 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- BHORE District- Gopalganj

Yogendra Chauhan, S/O Ramashankar Chauhan, R/O Village- Saktauli, P.S-
Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 05-05-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Bhorey P.S. Case No. 138 of 2021 for the
offences punishable under Sections 341, 323, 324, 307, 379,
354(B), 504, 447/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on
29.03.2021, there was Holi festival and the informant was
sitting alongwith Anju Kumari and Manju Kumari, daughters of
Kushubhawati Devi. In the meantime, all the accused persons
armed with Lathi, Danda, Farsa and Katta came to the house of



the informant and started abusing them. On being resisted, the petitioner (Yogendra Chauhan) gave a Farsa blow on the head of Anju Kumari due to which she sustained head injury. It is further alleged that other accused persons also assaulted Sushila Devi, Manju Kumari and other family members. It is further alleged that Yogendra Chauhan (petitioner) pulled the Sari of Kushbhawati Devi.

It is submitted on behalf of the learned counsel for the petitioner that there is counter version of the present case, which has been instituted by the wife of this petitioner, numbered as Bhorey P.S. Case No. 142 of 2021, just after one day of the alleged occurrence. It is further submitted that the occurrence has taken place on a trifling issue without their being any premeditation, apart from the fact that there is no allegation of any repetition of Farsa blow to the injured Anju Kumari. It is next submitted that the petitioner is in custody since 29.06.2021 having no criminal antecedent and the charge-sheet has already been submitted in this case and the petitioner is ready to give undertaking that he will remain present on each and every date fixed by the trial court and will not tamper the evidence and intimidate the witnesses.

On the other hand, learned APP for the State



submitted that there is specific allegation against this petitioner that he assaulted the injured Anju Kumari over her head due to which she sustained grievous injuries.

Having considered the submission made on behalf of the parties and taking into consideration the fact that there is case and counter case and the occurrence has taken place at a spur and there is no repetition of any further blow, apart from the fact that this petitioner is in custody since 29.06.2021 having no criminal antecedent and there is no allegation of tampering of the evidence and intimidating the witnesses, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S. Case No. 138 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be
automatically cancelled.

(Harish Kumar, J)

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