

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18429 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- HASANGANJ District- Katihar

1. Vivek Kumar Chauhan @ Vivek Kumar, Son of Kameshwar Chauhan R/v- Bheriya, Rahika, P.S.- Mufassil, District- Katihar
2. Ajay Kumar @ Ajay Chauhan, Son of Rajesh Chauhan R/v- Bheriya, Rahika, P.S.- Mufassil, District- Katihar
3. Prashant Chauhan Son of Chanda Chauhan R/v- Bheriya, Rahika, P.S.- Mufassil, District- Katihar
4. Raushan Kumar Chauhan @ Raushan Kumar Son of Kameshwar Chauhan R/v- Bheriya, Rahika, P.S.- Mufassil, District- Katihar
5. Kameshwar Chauhan Son of Bhola Chauhan R/v- Bheriya, Rahika, P.S.- Mufassil, District- Katihar

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Hasanganj P.S. Case No. 98 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 307, 323, 379, 325, 504, 506 of the Indian Penal Code. They have no criminal antecedent.

As per the prosecution story, on 17.08.2022 at about 06:00 P.M., while the son of the informant along with his brother were returning home, the FIR named accused persons including these petitioners armed with lathi, bhala and sword assaulted them



with intention to kill the son of the informant. They reached the informant's house and assaulted the informant when he came to rescue his son and nephew. They also took away Rs.2,000/- from the informant's pocket and looted the grocery shop of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case.

Learned counsel submits that there are general and omnibus allegations against these petitioners. It is further submitted that the co-accused similarly situated have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide Cr. Misc. No. 12914 of 2023.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that in the FIR altogether six persons were made accused, however, the specific allegation of causing assault is against co-accused Suryadev Chauhan, so far as these petitioners are concerned, they have been made accused only on the general and omnibus allegations and co-accused Bhavesh Kumar @ Bhavesh Chouhan and Abhishek Chouhan @ Abhishek Kumar who are



similarly situated have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court vide Cr. Misc. No. 12914 of 2023, the petitioners have otherwise no criminal antecedent, in these circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Hasanganj P.S. Case No. 98 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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 allowed.

(Rajeev Ranjan Prasad, J)

Lekhi/- rajeev/-

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