

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11981 of 2023

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

=====

SURYADEV CHAUHAN @ SURYODAY CHAUHAN Son of Chandu
Chauhan R/V- Devnathpur, P.S.- Hasanganj, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 12914 of 2023

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

1. BHAVESH KUMAR @ BHAVESH CHOUHAN S/o Subodh Chouhan R/o - Devnathpur, P.S.- Hasanganj, Distt- Katihar.
2. Abhishek Chouhan @ Abhishek Kumar S/o Subodh Chouhan R/o - Devnathpur, P.S.- Hasanganj, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11981 of 2023)

For the Petitioner : Mr. Awadhesh Kumar Mishra, Advocate

For the State : Mr. Parmanand Kumar, APP

For the Informant : Mr. Ratnakar Ambastha, Advocate

(In CRIMINAL MISCELLANEOUS No. 12914 of 2023)

For the Petitioners : Mr. Arun Kumar Mandal, Advocate

For the State : Mr. Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest 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 and 506 of the Indian Penal Code.



The prosecution case, as stated in FIR, in brief, is that on 17.08.2022, co-accused persons named in FIR including these petitioners forming an unlawful assembly armed with *lathi*, *danda* and sword came to informant and brutally assaulted him with intention to kill him and they also assaulted his brother.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. Petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petitions. It is further submitted that there is general and omnibus allegation against the petitioners.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners by submitting that there is specific allegation against petitioner, Suryadev Chauhan @ Suryoday Chauhan that he assaulted the informant by means of sword on his head and the injury sustained by the informant is grievous in nature.

Considering the fact that there is specific allegation against petitioner, Suryadev Chauhan @ Suryoday Chauhan that he assaulted the informant by means of sword on his head, I am not inclined to enlarge petitioner, namely, Suryadev Chauhan @ Suryoday Chauhan on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to petitioner, Suryadev Chauhan @ Suryoday Chauhan is hereby rejected.



However, if petitioner, Suryadev Chauhan @ Suryoday Chauhan surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order.

So far as petitioners, namely, Bhavesh Kumar @ Bhavesh Chouhan and Abhishek Chouhan @ Abhishek Kumar are concerned, considering the fact that there is general and omnibus allegation against them, let petitioners, namely, Bhavesh Kumar @ Bhavesh Chouhan and Abhishek Chouhan @ Abhishek Kumar, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds 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 in connection with Hasanganj P.S. Case No.98 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

S.KUMAR/-

U		T	
---	--	---	--

