

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18171 of 2023

Arising Out of PS. Case No.-536 Year-2022 Thana- WARISLIGANJ District- Nawada

1. Dharmendra Chauhan S/O Bhuneshwar Chauhan R/O Village- Bhelwa, P.S. Warisaliganj, District- Nawada
2. Ranjit Chauhan S/O Bhuneshwar Chauhan R/O Village- Bhelwa, P.S. Warisaliganj, District- Nawada
3. Shrawan Chauhan S/O Bhuneshwar Chauhan R/O Village- Bhelwa, P.S. Warisaliganj, District- Nawada
4. Bhuneshwar Prasad Chauhan @ Bhuneshwar Chauhan S/O Late Bhantu Chauhan R/O Village- Bhelwa, P.S. Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-10-2023 Heard learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Warisaliganj P.S. Case No. 536 of 2022, F.I.R. dated 20.09.2022 for the offences punishable under Sections 341, 323, 448, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, these petitioners along with other accused persons assaulted the informant and his family members due to some admitted land dispute between them.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R is 19.09.2022 but the present F.I.R was instituted on 20.09.2022 and due to admitted land dispute the present occurrence has taken place. He further submits that from perusal of the F.I.R it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Nawada in connection with Warisaliganj P.S. Case No. 536 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

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