

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21227 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- KOCHAS District- Rohtas

Shree Chauhan @ Sri Chaudhari, Son of Late Harichandra Chauhan, Resident of Village - Kochas, Ward No.- 11, P.S.- Kochas, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Babu Nandan Prasad, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, APP
For the Informant	:	Mr. Rajnikant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Kochas P.S. Case No. 403 of 2022 registered on 10.12.2022 for the alleged offences under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute co-accused Manoj Chauhan gave knife blows to the son of the informant. The petitioner also reached at the place of occurrence and started assaulting the son of the informant. When the informant tried to save his son, he was also assaulted by the petitioner and co-accused persons.

4. Learned counsel for the petitioner submits that the



petitioner is a 75 years old person and is innocent and has been falsely implicated in this case due to admitted land dispute. All the sections are bailable except Section 307 of IPC. The specific allegation of stabbing the son of the informant is against co-accused Manoj Chauhan and against the petitioner there is general and vague allegation. But the injury report does not show any knife injury rather injury report shows lacerated wound of 1.5 inch X 0.5mm and skin depth over left shoulder and another injury is lacerated wound over chest 1cm X 0.5mm and skin depth. So prosecution case is false regarding any knife blow being given to the son of the informant. Learned counsel further submits that there is no attempt on the life of the son of the informant and except for fracture there is no serious injury said to have been caused to the son of the informant. The petitioner is in custody since 11.12.2022 and charge-sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that there is injury caused by hard and blunt object for which allegation is against this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



general and vague nature of allegation against the petitioner coupled with his age and further considering his period of custody along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sasaram, Rohtas/ Court concerned in connection with Kochas P.S. Case No. 403 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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