

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27167 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MIRGANJ District- Gopalganj

1. SHRE RAM CHAUHAN, SON OF LATE SWAMINATH CHAUHAN,
Resident of Village - Fatehpur Tola Digha, P.s.- Mirganj, Distt.- Gopalganj.
2. DEEPAK CHAUHAN, SON OF LATE VISHWANATH CHAUHAN,
Resident of Village - Barka Gaon, P.s.- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr.Shubhesh Pandey, Advocate Mr.Javed Aslam, Advocate
For the State	:	Mr.Sanjay Kumar Singh, APP
For the Informant	:	Mr.Beyas Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-01-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioners seek bail in connection with Mirganj P.S.
Case No. 08 of 2022 registered for the offence punishable under
Sections 147, 148, 149, 341, 323, 337, 338, 307, 302 and 504 of the
Indian Penal Code.

The prosecution story as per the FIR is that over a trivial
issue the situation has become tense whereafter 14 named persons,
including the petitioners, have hurled brick bats and it is alleged that
one Bhagwan Chauhan, husband of the informant, has sustained an
injury on his head, and later succumbed to the injury.

Learned counsel for the petitioners submits that all



members of the family, including family members, have been made accused. The nature of injuries noted in the postmortem report is such, as could have been caused in the course of brick bat which occurred at the spur of the moment. The allegations are general and omnibus, with no specific allegations against the petitioners, who are in custody since 24.01.2022.

Learned APP for the State and learned counsel for the informant have opposed the prayer for bail. It is submitted that the postmortem report shows that the deceased has died due to intracranial hemorrhage leading to cardio pulmonary arrest caused by the injury. The occurrence has been supported by other persons in the course of investigation.

Considering the rival submissions, the nature of omnibus allegations as per the FIR, based on trivial dispute, the fact that the petitioners have no criminal antecedents, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, XV, Gopalganj, in connection with Mirganj P.S. Case No. 08 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he/she is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii)That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners’ counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

shashank/-

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

