

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40565 of 2023

Arising Out of PS. Case No.-126 Year-2021 Thana- NARDIGANJ District- Nawada

SHAMBHU CHAUHAN Son of Kamlain Chauhan Resident of village-
Tarauni, P.S.-Nardiganj, District-Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Swetabh, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Nardiganj P.S. Case No. 126 of 2021 dated 03.07.2021
registered for the offence under Sections 147, 148, 149, 341,
323, 307, 324, 354, 326 and 506 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner along with other accused persons
have assaulted the informant and her daughter with axe and
causing them wrist and head injury.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the



petitioner had been made accused in one another case bearing Nardiganj P.S. Case No. 18 of 2016 but the same has been disposed of on the basis of compromise vide order dated 11.02.2023 in the Lok Adalat. He further submits that as per the F.I.R., no specific allegation of assault or any overt act committed by petitioner to the informant and her daughter is attributed to him rather the specific allegation of assault by means of axe (Garasa) to the informant and her daughter causing them wrist and head injury respectively is attributed to the co-accused, Dilip Chauhan and Mordhwaj Chauhan. He further submits that no case under Section 307 of the Indian Penal Code is made out against the petitioner. He further submits that according to the F.I.R. the petitioner has opened fire to one Shree Chauhan, which hit his leg but the injury report, which is at Annexure-2, of the victim suggest that he has not sustained any firearm injury. Moreover, co-accused, Kamlain Chauhan has already been granted anticipatory bail vide order dated 22.10.2021 passed in ABP No. 1640 of 2021 and another co-accused, namely, Mordhwaj Chauhan has also been granted bail by the Court below itself. He further submits that the police after investigation has submitted charge-sheet in this case against



the petitioner. The petitioner is rotting in judicial custody since 09.02.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned J.M. F.C., Nawada in connection with Nardiganj P.S. Case No. 126 of 2021 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case



at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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