

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45614 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Harendra Kumar Son Of Hira Lal Chauhan Resident Of Village- Hemara Tola, Konia, Ps- Khizarsarai (SARBAHADA) Op, Distt- Gaya
2. Durjodhan Chauhan @ Jirohan Chauhan @ Jirohan Kufmar Son Of Ramji Chauhan Resident Of Village- Hemara Tola, Konia, Ps- Khizarsarai (SARBAHADA) Op, Distt- Gaya
3. Hari Lal Chauhan @ Hiralal Chauhan Son Of Ramji Chauhan Resident Of Village- Hemara Tola, Konia, Ps- Khizarsarai (SARBAHADA) Op, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. At the outset, the learned counsel for the petitioners submits that the petitioner no.3 has already been arrested during the interregnum period, hence the present petition qua the petitioner no.3 has been rendered infructuous.
2. Accordingly, the present petition qua the petitioners no.3 stands disposed off as not pressed.
3. Heard the learned counsel for the petitioners no.1 and 2 and learned APP for the State.
4. This is an application for grant of anticipatory bail in connection with Khizar Sarai



P.S. Case No.279 of 2022, registered for offences under Sections 147, 341, 323, 307, 354, 379, 504 and 506 of the IPC.

5. The case of the prosecution, in brief, is that an altercation had taken place, whereafter, the accused persons had assaulted the son of the informant. The specific allegation is on the co-accused person, namely, Dhirendra Chouhan, who is alleged to have assaulted the son of the informant after entering the house of the informant, whereafter the co-accused persons had also tried to outrage the modesty of the wife of the informant.

6. The learned counsel for the petitioners no.1 and 2 has submitted that the petitioners no. 1 and 2 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no.1 and 2 has further submitted that the petitioners no.1 and 2 have not been alleged to have engaged in any sort of specific overtact, hence they be granted the privilege of anticipatory



bail. It is also submitted that a co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 24.07.2023, passed in Cr.Misc. No.32942 of 2023.

7. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners no.1 and 2 with that of the co-accused person, who has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioners no.1 and 2 to the privilege of anticipatory bail.

9. Accordingly, the above named petitioners no.1 and 2 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period



of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Khizar Sarai P.S. Case No.279 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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