

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56922 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- KATEYA District- Gopalganj

1. MAHESH CHAUHAN S/O LATE RAMDAS CHAUHAN R/O VILLAGE-
MOTIPUR, PS. KATEYA, DIST. GOPALGANJ
2. NITESH CHAUHAN S/O MAHESH CHAUHAN R/O VILLAGE-
MOTIPUR, PS. KATEYA, DIST. GOPALGANJ
3. AJIT CHAUHAN S/O MAHESH CHAUHAN R/O VILLAGE- MOTIPUR,
PS. KATEYA, DIST. GOPALGANJ
4. VISHAL ROY S/O ARBIND ROY R/O VILLAGE- MOTIPUR, PS.
KATEYA, DIST. GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection with Kateya P.S. Case No. 288 of 2022 registered under Sections 147, 148, 341, 323, 307, 504 and 302 of the Indian Penal Code lodged on 29.06.2022 by the informant, Sagar Chauhan.

As per the prosecution story, when the police has gone to remove the encroachment, the accused persons started pelting stones on the police team/administration and further the



informant, Sahadev Chauhan was assaulted with '*lathi*', he became senseless and admitted to a hospital in Gorakhpur while allegation against Ranjit Ray and Vishal Ray, is/are assaulting Radheshyam and Rubi Kumari. Accordingly, the FIR.

Learned counsel for the petitioners submit that though he has been named in the FIR, the main allegation is against Golu of having hit on the head of the Sahdev Chauhan. So far as Vishal Ray and Ranjeet Ray is/are concerned, they have assaulted Radheshyam Chauhan and Rubi Kumar and the injuries have been found to be simple in nature.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (Rs. 5000x4=Rs. 20,000) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State opposes the prayer for bail.

Considering the submissions put forward by the



learned counsel for the parties as also that specific allegation is against Golu, though petitioner no. 4, Vishal Roy has assaulted Radheshyam Chauhan, the injuries have been found to be simple in nature and they are in custody since 10.05.2023 (as stated in paragraph-13 of the petition), this Court is inclined to grant him privilege of bail, subject to payment of Rs. 5000/- each ($5000 \times 4 = 20,000$) by the petitioners, as stated above.

Let the petitioners be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Gopalganj in connection with Kateya P.S. Case No. 288 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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