

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54732 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- FATEHPUR District- Gaya

1. SONA DEVI Wife of Payare Lal Chauhan Resident of village - Rakshi, P.S.- Fatehpur, District - Gaya
2. Ramesh Chauhan Son of Payare Lal Chauhan Resident of village - Rakshi, P.S.- Fatehpur, District - Gaya
3. Chhotu Kumar Son of Payare Lal Chauhan Resident of village - Rakshi, P.S.- Fatehpur, District - Gaya
4. Anju Chauhan Son of Jalo Chauhan Resident of village - Pathree, P.S.- Meskaur, District - Nawada
5. Rupwa Devi Wife of Anju Chauhan Resident of village - Pathree, P.S.- Meskaur, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Nand Kishore Prasad Sinha, Adv.
For the Opposite Party/s :	Mr.Ram Sumiran Rai, APP.
	Mr. Arun Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 504, 307 and 302 of the Indian Penal Code.

Allegedly, petitioners along with other accused persons,
armed with *Khanti* came to the informant and given *Khanti*
blow over the head of the father of the informant. And when the
informant along with his family members went to rescue him,



they were also assaulted by the petitioners.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is case and counter case between the parties. Both sides have filed cases against each other. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation of assault against the petitioner nos. 1, 2 & 4 that they assaulted the informant's father by means of *Khanti* due to which the father of the informant died on the spot.

Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against the petitioner nos. 3 & 5, let the petitioner nos. 3 & 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of



the learned lower Court where the case is pending/successor Court in connection with Fatehpur P.S. Case No.232 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

As there is specific overt act of assault against the petitioner nos. 1, 2 & 4, I am not inclined to enlarge the petitioner nos. 1, 2 & 4 on bail. The prayer for bail of the petitioner nos. 1, 2 & 4 is hereby rejected.

Accordingly this application stands partly allowed.

(Anjani Kumar Sharan, J)

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