

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54602 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- KISHUNPUR District- Supaul

1. Pappu Chauhan @ Pappu Kumar S/O Suresh Chauhan @ Suren Chauhan Resident Of Village- Sisauni, Ward No. 13, Police Station- Kishanpur, District- Supaul
2. Rekha Devi W/O Suresh Chauhan @ Suren Chauhan Resident Of Village- Sisauni, Ward No. 13, Police Station- Kishanpur, District- Supaul
3. Chandan Chauhan S/O Late Ramprasad Chauhan Resident Of Village- Sisauni, Ward No. 13, Police Station- Kishanpur, District- Supaul
4. Sri Prasad Chauhan @ Shiv Prasad Chauhan S/O Late Khuvi Chouhan Resident Of Village- Sisauni, Ward No. 13, Police Station- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 341, 323,
325, 302/34 of the Indian Penal Code pending in the learned
court below.

The prosecution story in short that petitioners and
other accused persons tortured informant's sister to make



demand of 5 Katha of land from her father and when she refused to do so. When her father came at her matrimonial house, petitioners assaulted her father with lathi, danda and fists and slaps and during course of treatment informant's father died.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that the father of the petitioner was working as a *Rajmishtri* during his course of work he fell down and received injury and died due to his illness. He submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the the post-mortem report has supported the prosecution case. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail in connection with Kishanpur P.S. Case No. 128/2021. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if the petitioners surrender before the



learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

kamlesh/-

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

