

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56595 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- BISFI District- Madhubani

1. RAGHU NANDAN CHAUPAL S/O MOTILAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI
2. SHANKAR CHAUPAL S/O MOTILAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI
3. CHANDAN CHAUPAL SON OF MOTILAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI
4. MOTILAL CHAUPAL SON OF BACHELAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI
5. MUSHAFIR CHAUPAL SON OF LATE AKASHAY LAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI
6. HEERA LAL CHAUPAL SON OF BACHELAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI
7. SHIV KUMAR CHAUPAL @ SHIVU CHAUPAL SON OF BACHELAL CHAUPAL R/O VILLAGE JAPHRA RAMNAGAR, P.S.- BISFI (PATAUNA), DIST.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 384, 379, 307, 427, 504 of the Indian Penal



Code.

3. The prosecution case, in brief, is that when the informant returned from his friend's house, on the way, he saw that all the accused persons armed with deadly weapons stopped him and demanded a huge amount of Rs. 50,000/-. On refusal, petitioner no.4 ordered to kill the informant, thereafter, petitioner no.7 surrounded the neck of the informant with towel tightly with an intention to kill him. Petitioner nos. 2 & 5 assaulted the informant with *Tengari* on his head and iron rod on his right hand, respectively. Petitioner nos. 6 & 1 snatched the golden chain, golden *hanumani* and Rs. 3,200/- from the pocket of the informant. They also damaged the motorcycle of the informant.

4. 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 ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Petitioners have one criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against petitioner nos. 1, 2, 3, 4, 6 & 7, let the above named petitioner nos. 1, 2, 3, 4, 6 & 7 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 Bisfi P.S. Case No. 149 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the grievous injury of the informant which was caused by petitioner no.5, I am not inclined to enlarge the petitioner no.5 on bail. The prayer for bail of the petitioner no.5 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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