

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60830 of 2023

Arising Out of PS. Case No.-5 Year-2018 Thana- SIMRI District- Buxar

VINOD CHAUHAN @ VINOD KUMAR CHAUHAN, SON OF GORAKH CHAUHAN RESIDENT OF VILLAGE- SIMARI MALWAPATI, PS-SIMARI, DISTT- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Advocate
For the State : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in connection with Simari P.S. Case No. 05 of 2018 registered for offence under Sections 147, 148, 149, 341, 323, 307 and 504 of Indian Penal Code.

3. As per prosecution case, 15 named accused persons including the instant petitioner reached the door of the informant and hurled abuses so as to compel him to remove the hut. On a protest being lodged, the accused persons including the petitioner have allegedly assaulted them. Petitioner is said to have assaulted on *Bateshar Chauhan* and *Tej Narayan Chauhan* along with two other co-accused persons by means of stick.



4. Learned counsel for the petitioner, referring to injury reports of *Bateshar Chauhan* and *Tej Narayan Chauhan*, submits that they have sustained simple injuries only. In fact a scuffle had taken place due to the land dispute and both sides have sustained injuries. Simari P.S. Case No. 06 of 2018 was instituted from the instant petitioner's side. The petitioner has no antecedents. Other eight co-accused persons have been allowed anticipatory bail in *Cr. Misc. No. 50001 of 2018* and *Cr. Misc. No. 15099 of 2018*.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, claim based on parity and clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar, in connection with Simari P.S. Case No. 05 of



2018, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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