

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61437 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. JAIKISHUN CHOUHAN S/O LATE ANGANU CHOUHAN SINGH
RESIDENT OF VILLAGE- PET BHARIYA, P.S- KUCHAIKOTE, DIST-
GOPALGANJ
2. PRABHAT CHOUHAN @ PRABHAT KUMAR CHOUHAN S/O JAI
KISHUN CHOUHAN RESIDENT OF VILLAGE- PET BHARIYA, P.S-
KUCHAIKOTE, DIST- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 1. Heard the learned counsel for the petitioners and
learned APP for the State.

2. This is an application for grant of anticipatory bail
in connection with Kuchaikote P.S. Case No.123 of 2023, PTN
No.862 of 2023, registered for offences under Sections 341,
323, 324, 307, 379, 504 and 34 of the IPC.

3. The allegation is regarding the accused persons,
including the petitioners herein having arrived at the house of
the informant while he was celebrating Holi festival and then
the petitioner no.1 is stated to have assaulted the informant and
when his son came to save him, the petitioner no.2 had assaulted
the son of the informant, resulting in them sustaining injuries.



4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted by referring to the injury report of the injured persons, annexed as annexure-2 series to the present petition that the injuries, sustained by the injured persons, have been found to be simple in nature by the doctor, hence it is submitted that benefit of doubt to be granted to the petitioner for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries, sustained by the injured persons, attributable to the petitioners herein, have been found to be simple in nature, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their



arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gopalganj, in connection with Kuchaikote P.S. Case No.123 of 2023, PTN No.862 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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