

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11410 of 2024

Arising Out of PS. Case No.-383 Year-2023 Thana- ARIYARI District- Sheikhpura

1. MADAN CHAUHAN SON OF LATE TOTA CHAUHAN R/O-TEJA BIGHA, P.S.-ARIYARI, DISTT.-SHEIKHPURA
2. MANOJ CHAUHAN SON OF LATE TOTA CHAUHAN R/O-TEJA BIGHA, P.S.-ARIYARI, DISTT.-SHEIKHPURA
3. SHANTI DEVI WIFE OF MADAN CHAUHAN R/O-TEJA BIGHA, P.S.-ARIYARI, DISTT.-SHEIKHPURA
4. REENA DEVI WIFE OF MANOJ CHAUHAN R/O-TEJA BIGHA, P.S.-ARIYARI, DISTT.-SHEIKHPURA
5. RAJRANI DEVI @ RAJRANI WIFE OF KISHAN CHAUHAN R/O-TEJA BIGHA, P.S.-ARIYARI, DISTT.-SHEIKHPURA

... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar , Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and
the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 327, 386, 387, 325, 354(B), 447, 504, 506 of the Indian Penal Code.



3. As per the written report of the informant, the prosecution story, in brief, is that on July 18, 2023, Land Reforms Deputy Collector Shekhpura decided the land in favor of the informant's side through Appeal No. 01/2023. After this, when the informant went to plow the field on December 20, 2023, at 11:30 a.m., these petitioners along with all the other co-accused persons named in the written report, armed with rods and sharp weapons, attacked the informant on her waist and other body parts, due to which the informant was injured. Petitioner No. 1 (Manoj Chauhan) assaulted the head of Nitish Kumar with an iron rod two or three times, due to which he became unconscious. Krishan Chauhan, petitioner No. 2 (Madan Chauhan), and others assaulted Nitish Kumar while he was unconscious and seriously injured him. Petitioner No. 2 Madan Chauhan, Krishan Chauhan, and Petitioner No. 1 Manoj Chauhan pulled the sari of the informant's daughter-in-law, Sita Devi, and attacked her with a sharp weapon on her left thigh and head, injuring her. Krishan Chauhan pressed the



neck of the informant's husband. Madan Chauhan, Manoj Chauhan, and others assaulted his hands and legs with sharp weapons and broke both of his hands and legs. They attacked his grandson Prabhat Kumar with sticks on his legs, hands, and waist, injuring him. The accused persons were demanding half the land in extortion and were also threatening to kill. Krishan Chauhan, Madan Chauhan, and Manoj Chauhan were armed with pistols. The injured were admitted to Ariyari PHC, from where they were referred to Sadar Hospital Sheikhpura. Nitish Kumar's condition is serious, and he is undergoing treatment.

4. It is submitted on behalf of the petitioners that there is general and omnibus allegation against petitioner Nos. 3 , 4 and 5 and no specific overt act is alleged against them. Petitioner Nos. 3 , 4 and 5 are ladies.

5. Learned counsel for the State oppose the bail petition of petitioners and submits that specific accusation of assault is against petitioner Nos. 1 and 2.



6. Considering the nature of accusation and gravity of offence, prayer for pre-arrest bail of the petitioner Nos. 1 and 2 is rejected.

7. Considering the general and omnibus allegation against petitioner Nos. 3 , 4 and 5 and other circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner Nos. 3 , 4 and 5 , as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate - 1st , Sheikhpura in connection with Ariyari P.S. Case No. 383 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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