

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15030 of 2024

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

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Kishan Chauhan son of Tola Chauhan Village Teja Bigha, Ps- Ariyari Dist-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-03-2024

Heard learned counsel for the petitioner and learned A.P.P

for the State.

2. The petitioner seeks bail in connection with Ariyari P.S. Case No. 383 of 2023 dated 21.12.2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 327, 386, 387, 325, 354(B), 447, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that when the informant went to plough his field, the accused persons came variously armed with and attacked the informant on her waist and body parts of the body due to which she sustained injuries. Petitioner along with other accused persons is alleged to have assaulted and misbehaved with informant's daughter-in-law and also attacked her with a sharp weapon and pressed neck of the informant's husband. The informant has also alleged that all the accused persons were demanding half portion of the said land in



extortion and threatened to kill.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that informant and petitioner are agnates and there is land dispute between the parties. It is submitted that during partition six acres land were allotted to the petitioner but the husband of the informant sold all the allotted share to others and on protest the said case has been lodged. The allegation against the petitioner is that he tried to strangle the husband of the informant. It is submitted that there is no injury report or ligature mark on the neck of the husband of the informant. There is specific allegation of assault on the body of Ramdhani Chauhan and Nitesh Kumar. There is no specific allegation of assault on the petitioner. The allegation is general and omnibus. Lastly, it has been submitted that the petitioner is in custody since 21.01.2024, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Ist, Sheikhpura in connection with Ariyari P.S. Case No. 383 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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