

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21395 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- KHIJARSARAI District- Gaya

Chanirak Chauhan @ Chanarik Chauhan Son of Ram Sevak Chauhan @
Ramsevak Prasad Resident of Village- Dariyapur, P.S.- Khizersari, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Khizersarai P.S. Case No. 381 of 2023 for the offence under sections 341, 323, 307 and 34 of the I.P.C. and Section 27 of the Arms Act lodged on 29.09.2023 by the informant, Munrika Devi.

3. As per the prosecution story,the informant alleged that while he was celebrating the birth of a child in their family the accused persons came and wanted to stop the music which later resulted into assault. Against this petitioner the allegation is of opening FIR which did not hit anyone. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only due to dispute between the parties the allegation has been made

there is no injury. Learned counsel concede that he has criminal antecedent which resulted into his implication.

5. Learned APP opposes the prayer.

6. Considering the aforesaid fact as also the fact the the alleged opening of FIR has not hit anyone. FIR lodged, the petitioner has to face trial.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya, in connection with Khizersarai P.S. Case No. 381 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his

attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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