

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20551 of 2024

Arising Out of PS. Case No.-635 Year-2023 Thana- NAUBATPUR District- Patna

1. Yogindar Prasad @ Yogendra Chauhan S/O- Late Kirpal Noniya @ Late Kunal Chauhan R/O- Charra, Ajawan, P.S.- Naubatpur, Dist.- Patna
2. Chotan Chauhan @ Chotak Chauhan S/O- Late Kirpal Noniya @ Late Kunal Chauhan R/O- Charra, Ajawan, P.S.- Naubatpur, Dist.- Patna
3. Ajit Kumar @ Chhatu Chauhan S/O- Late Ghorakh Chauhan R/O- Charra, Ajawan, P.S.- Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadab Akhter, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Naubatpur P.S. Case No. 635 of 2023 dated 10.09.2023 registered for the offences punishable u/ss 147, 148, 149, 323, 324, 354B, 379, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons armed with deadly weapons are alleged to have surrounded the informant's son and started abusing him and threatened that if he would not withdraw Naubatpur P.S. Case No. 238/22 otherwise they would kill him. On being objected by the



informant's son, the co-accused, Mukesh Chauhan assaulted him with sword due to which he sustained head injury and the co-accused, Hitesh assaulted on his mouth with butt of pistol due to which he sustained injury and he fell down on the ground. All the accused persons surrounded the informant and his family members and started assaulting them with iron rod due to which the informant's son Kundan Kumar sustained head injury. The petitioner, Yogendra Chauhan tore the cloth of the informant and assaulted her but the informant saved herself anyhow. The co-accused, Khadu Chauhan started assaulting the informant's husband with a stick and the petitioner, Ajit Kumar took golden chain from the informant's neck. The accused persons fled away from the place of occurrence. Thereafter, the injured were taken to the hospital for treatment.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The F.I.R. was lodged after 16 days of the alleged occurrence and there is no explanation for the same. The injury report of Kundan Chauhan shows 1 lacerated wound on right parietal region and the injury is simple in nature as stated in para 10 of the bail petition. There is general and omnibus allegation against the petitioner no. 2. The allegation of snatching against the petitioner no. 3 is ornamental. It is further submitted that the



petitioners have no concern with the alleged offence. The petitioner no. 1 has one criminal antecedent whereas the petitioner nos. 2 and 3 have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Danapur, Patna in connection with Naubatpur (Patna) P.S. Case No. 635 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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