

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18851 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- NOORSARAI District- Nalanda

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Raja Chouhan S/o Gulab Chauhan Residence of Village- Bishunpur, P.S.-
Noorsarai, Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Neeraj
Kumari Anjani Sinha

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2024 1. Heard learned counsel for the petitioner, Kumari
Anjani Sinha and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 307, 353,
386 and 387 of the Indian Penal Code read with Section 27 of
the Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case based on suspicion. It is next
submitted that from perusal of the allegations as alleged in the
F.I.R., it would manifest that the thrust of the allegation is
against Bharat Chauhan, it is further submitted that the
informant alleges that he received information that Bharat
Chauhan and his goons had assembled at a place for collecting
extortion and accordingly when the police force reached the
place based on information, the accused persons fled away.



4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that four persons have been made accused by name. It is next submitted that petitioner is not named in the FIR and came to be implicated based on the fact that three motorcycles were recovered from the place of occurrence and one of the motorcycles belonged to the petitioner. It is further submitted that if the petitioner would have been involved in the occurrence then definitely he would not have gone to the place of occurrence on his motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner had gone for getting the wheat grind when the occurrence of firing from both sides took place, as such, the petitioner had no option but to flee from the place of occurrence for saving his life. It is submitted, at the cost of repetition, that petitioner is a person with clean antecedent and will not abscond rather will co-operate in the investigation.

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

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Noorsarai P.S. Case No. 458 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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