

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21104 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NAVINAGAR District- Aurangabad

SUJIT KUMAR SON OF ARJUN CHAUHAN RESIDENT OF VILLAGE -
MAHUARI, P.S. - NABINAGAR, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26314 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Mukesh Chauhan S/o- Madan Chauhan R/o Vill- Mahuri Bandh, P.S.-
Nabinagar,Dist- Aurangabad
2. Dinesh Ram @ Dinesh Bhuiyan S/o- Late Tetar Bhuiyan R/o Vill- Mahuri
Bandh, P.S.- Nabinagar,Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28001 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NAVINAGAR District- Aurangabad

1. Alok Kumar @ Alok Chauhan SON OF Yogendra Chaudhary VILLAGE
-DHIRDHAR PS- SHIVSAGAR DISTRICT- ROHTAS
2. Suraj Chauhan @ Suraj Lal Chauhan SON OF Ram Uday Chauhan
VILLAGE -MAHAURY PS -NABINAGAR DISTRICT -AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31191 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NAVINAGAR District- Aurangabad

Dashrath Chauhan SON OF LATE LAL BAHADUR CHAUHAN
RESIDENT OF VILLAGE- MAHURI BANDH, PS- NABINAGAR, DIST-
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 21104 of 2024)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Nirmala Kumari

(In CRIMINAL MISCELLANEOUS No. 26314 of 2024)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Mukul Kumari

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam

(In CRIMINAL MISCELLANEOUS No. 28001 of 2024)

For the Petitioner/s : Mr. Mithilesh Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh

(In CRIMINAL MISCELLANEOUS No. 31191 of 2024)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Mukul Kumari

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in a case registered
for the offence punishable under Sections-302, 307, 323, 341,
379, 504, 506, 147, 149 of the Indian Penal Code.

3. As per prosecution case, the informant, Ajit Sharma
alongwith his friends was going to Sasaram with a four wheeler
and when they reached to Tetariya More, a dumper driver and a
person with motorcycle came there and asked them to unpark
their vehicle upon which, they parked their vehicle alongside of
the road. It is further alleged that thereafter the biker started to
abuse and assault him and in the meantime, a firing was made
upon which, the local people gathered there and brutally
assaulted them, due to which, Arman, Anzar and Muzahid died



and the informant and his friends received serious injuries.

4. Mr. Krishna Prasad Singh, learned Sr. Counsel for the petitioners has submitted that this case has been lodged in retaliation of Navinagar P.S. Case No. 14 of 2024 which has been lodged by Dharendra Chauhan and in that F.I.R. Dharendra Chauhan has stated that some altercation had taken place between the informant's side of the present case and the members of the defence side. One person from the defence side of this case took out his pistol and fired targeting Mukesh Chauhan but the firing hit the father of the informant who was taken to hospital for treatment where he was declared dead. In retaliation of death of father of the informant (Dhirendra Kumar), the mob assembled and assaulted the members of informant's side. It has further been submitted that the members of victim side were opening fire targeting the members of defence side. It has further been submitted that in retaliation the mob assaulted three persons and all the three succumbed to the injuries. It has specifically been stated that one person from the informant side fired at Mukesh Chauhan (petitioner in Cr. Misc. No. 26314 of 2024) who escaped but the firing hit the informant's father. Thereafter, the mob assembled and assaulted the members of informant's side resulting into death of three



persons. It has lastly been submitted that the petitioners are innocent and in any case, in order to save their lives, they used their right to private defence.

5. On the otherhand, learned APP has opposed the prayer for bail by submitting that the petitioners along with other accused persons committed murder of three persons by assaulting them brutally.

6. It is not in dispute that the first assailant is the informant side. The case lodged by the defence side is prior to the present case. The father of the informant of the counter case suffered fire-arm injury and he died.

7. Considering the aforesaid facts and circumstances, let the petitioners named above be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Aurangabad in connection with Nabinagar P.S. Case No. 15 of 2024 with condition that the petitioners shall cooperate with the trial and make themselves available as and when required by the court.

(Nawneet Kumar Pandey, J)

A.K.V.//-

U		T	
---	--	---	--

