

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63270 of 2024

Arising Out of PS. Case No.-869 Year-2023 Thana- FATUA District- Patna

1. Chhotu Kumar Son of Manoj Chauhan Resident of village- Machariyawa, P.s.- Fatuha, District- Patna
2. Sonu Kumar Son of Sanoj Chauhan @ Kariban Chauhan @ Sanoj Jamadar Resident of village- Machariyawa, P.s.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 326, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case and the informant alleges that on 01.12.2023 at 4.00 P.M., while he was sitting at his door, when petitioners came with pistol in their hands and started abusing, on protest, Chotu gave order to shoot the informant, on which, Sonu tried to assault on his head by pistol but caused injury on left eye of the informant, as the informant



tried to save himself. Further, when Sanjay came to save him, Sonu snatched Rs.5000/- from his pocket.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the F.I.R., it would manifest that no reason for the occurrence is alleged that as to why the petitioners came and started abusing the informant. It is next submitted that during course of investigation, the statement of the daughter-in-law of the informant was recorded, wherein she has stated that a villager named Anna is mentally disturbed, further the petitioners were having an altercation with Anna and Anna was getting disturbed, as such, the informant, who was sitting at his door, intervened and was trying to pacify the issue, when it is alleged that Sonu threw a stone, which caused injury to the informant near his eye, she has further disclosed that there was no enmity in between the petitioners and the informant from before. The learned counsel for the petitioner thus submits that this perhaps explains why in the F.I.R. no motive for the occurrence is alleged.

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



6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Fatuha P.S. Case No.869/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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