

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71240 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

1. Hare Ram Chauhan @ Sri Ram Chauhan S/O Late Chandi Chauhan
Resident of Village- Motnaje, P.S.- Mufassil, District- Nawada,
2. Pappu Kumar @ Pappu Chauhan S/o Budh Deo Chauhan @ Budhu
Chauhan Resident of Village- Motnaje, P.S.- Mufassil, District- Nawada,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-11-2024 1. Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Mufassil Police Station Case No. 172 of 2024,
disclosing offences under Sections 341, 323, 448, 307, 504, 34,
506, 354 of the Indian Penal Code.

3. As per the First Information Report, due to quarrel
between the children, the scuffle took place between the
families and the petitioner no. 1 assaulted one Manoj Chauhan
by means of sword on his head and petitioner no. 2 along with
two other co-accused assaulted Kanhaiya Chauhan by means of
brick on his forehead.



4. Learned Counsel for the petitioners submits that due to quarrel between the children, the scuffle took place between the petitioner's side and the informant's side and a counter case has also been lodged by the side of the petitioners bearing Mufassil P.S. Case No. 173 of 2024. The side of the petitioners have also sustained injuries. Learned counsel further submits that injury caused to Manoj, who was allegedly assaulted by petitioner no. 1 by sword is simple in nature caused by hard and blunt substance. Insofar as petitioner no. 2 is concerned, learned counsel submits that petitioner no. 2 along with two accused persons assaulted Kanhaiya and co-accused Shri Ram Chauhan assaulted petitioner no. 2 by means of sword on his head and co-accused Ranjit Chauhan assaulted Kanhaiya by means of iron rod on his head and the allegation against the petitioner no. 2 that he assaulted by means of brick on his forehead, though the injury on the head is grievous, but there is no injury on the forehead.

5. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that all the accused persons caught hold the victims, assaulted brutally and due to assault made by them, including the petitioners, Kanhaiya Chauhan has sustained grievous injury on his head.



6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the occurrence took place due to quarrel between the children, case and counter case is there, the injuries caused to victim Manoj is simple in nature and the grievous injury caused to Kanhaiya Chauhan is not attributable to the petitioner no. 2, accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Nawada, in connection with Mufassil Police Station Case No. 172 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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