

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77214 of 2023

Arising Out of PS. Case No.-5 Year-2018 Thana- SIMRI District- Buxar

Gorakh Chouhan @ Gorakh Nath Chouhan S/O Sri Kishun Chouhan Village-
Simari, Halwa Patti, Ps. Simari, Dist. Buxar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Simari P.S Case No. 05 of 2018 dated

06.01.2018 registered for the offence punishable u/s 147,

148, 149, 341, 323, 307 and 504 of the Indian Penal Code.

4. As per the prosecution case, 15 named accused

persons including the petitioner reached the door of the

informant and hurled abuses to compel to remove the hut.



On being protested, the accused persons including the petitioner allegedly assaulted them. The petitioner along with two other co-accused assaulted Jitendra Chouhan and Dhupendra Chouhan with rod and *farsa* on their heads. It is further alleged that other accused persons assaulted the other family members of the informant.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that after investigation, the I.O. submitted final form against the petitioner but learned court below took cognizance against the petitioner and the co-accused person. Learned counsel has further submitted that the injury is simple in nature. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Buxar in connection with Simari P.S Case No. 05 of 2018, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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