

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79574 of 2023

Arising Out of PS. Case No.-636 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Arun Chauhan Son of Late Ramswaroop Chauhan, Resident of Village -
Beldariya (Aure), Police Station - Ramgarh Chowk, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the Informant	:	Mr. Rabi Bhushan, Advocate Mr. Ankit Kumar Jha, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 28-11-2024 Heard Mr. N.K. Agarwal, the learned senior counsel for the petitioner, Mr. Rabi Bhushan, the learned counsel for the informant and Mr. Md. Ataur Rahman, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Lakhisarai (Ramgarh Chowk) PS Case No. 636 of 2022, FIR dated 01.08.2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 379 and 307 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, while the cousins of informant namely, Lalit Chauhan and Brahamdev Chauhan were taking a walk, the co-accused persons, armed



with fire-arms, surrounded them and one Vinod Chauhan fired upon Lalit Chauhan with an intention to kill and the bullet hit him on his arm and one Rampravesh Chauhan opened fire on Brahamdev Chauhan and the bullet hit him on his head.

4. Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation of assault attributed against the petitioner namely, Arun Chauhan and bare perusal of the injury report of the injured person namely, Lalit Chauhan, suggests that he has received an injury which is grievous in nature.

6. Considering the aforesaid facts and circumstances and the fact that there is direct allegation against the petitioner, I am **not** inclined to grant the privilege of anticipatory bail to the



petitioner in connection with Lakhisarai (Ramgarh Chowk) PS
Case No. 636 of 2022, pending in the Court of learned Chief
Judicial Magistrate, Lakhisarai.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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