

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84737 of 2023

Arising Out of PS. Case No.-210 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

1. Dhanjee Chouhan S/O Shri Sanjay Chouhan
2. Daya Shankar Chouhan @ Saral S/O Late Jay Chouhan
3. Om Prakash Chouhan S/O Shri Harihar Chouhan @ Jaj Chouhan
4. Shyam Bihari Chouhan S/O Shri Ram Dhari Chouhan
5. Bir Bahadur Chouhan S/O Shri Jay Prakash Chouhan
6. Awadh Bihari Chouhan S/O Shri Ram Dhari Chouhan
7. Uday Chouhan @ Udaynath Chouhan S/O Shri Harihar Chouhan.
All R/O Village- Baruna, P.S- Buxar Industrial, Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr.Shailesh Kumar, learned counsel for the

petitioners and Mr.Bharat Bhushan, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Buxar Industrial P.S.Case No.210 of 2023, FIR
dated 03.08.2023 registered for the offences punishable under
Sections 147,148,149,341,323,307,379,504 and 506 of the
Indian Penal Code.

3. According to prosecution case, main allegation on
the petitioners along with other co-accused is that on 03.08.2023



when the informant was coming from Dumaraon market and reached at house of Jai Prakash Chauhan, all the petitioners along with other co-accused armed with deadly weapons, with common intention attacked on informant and caused injuries to him with intention to cause his death. Further allegation is that Rs. 5,000/- and golden locket has also been snatched by co-accused Saral Chauhan and Vikky Chauhan.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the present FIR is counter blast of Buxar Industrial P.S. Case No.209 of 2023 lodged on behalf of petitioners' side against the informant and his family members and due to present occurrence both sides have sustained injury and as per present FIR allegation against the petitioners is that they alongwith other co-accused persons have assaulted to the informant but the injury report of the informant suggests that although he has received injury but the injury is simple in nature.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, injury is simple in



nature and the petitioners have clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar Industrial P.S. Case No.210 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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