

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82593 of 2023

Arising Out of PS. Case No.-852 Year-2022 Thana- GAYA MUFASIL District- Gaya

1. PAPPU CHAUHAN S/O- LATE MUNILAL CHAUHAN Village- Kathautiya Ps- Mufassil Dist- Gaya
2. Ambika Chauhan son of Late Munilal Chauhan Village- Kathautiya Ps- Mufassil Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Mufassil P.S. Case No. 852 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 337, 379, 504, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 2 Ambika Chauhan is said to have assaulted the informant by means of rod as a result of which informant sustained injury on the head. It is further alleged that petitioner no. 1 Pappu Chauhan assaulted the informant's brother Raj Kumar Chauhan by means of gadasa as a result of which informant's brother also sustained injury on the



head.

4. Learned counsel for the petitioners submits that although there is specific allegation against the petitioners to assault the victim and two persons sustained injury by the assault of petitioners but the injuries sustained by the injured are simple in nature, except injury no. 4 of injured Raj Kumar Chauhan and the said injury no. 4 is on the non vital part of the body. He further submits that there is case and counter case between the parties and petitioner's side earlier lodged the case against the informant and others for the same date of occurrence and free fighting cannot be ignored and, hence, no offence is made out under Section 307 of the IPC in the light of given facts and circumstances of the case. He further submits that there is land dispute between the parties and from petitioner's side the case has also been lodged on the same date and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. Petitioners are in custody since 12.09.2023. Petitioners bear criminal antecedent of one case which has been filed by wife of the informant of the present case in which petitioner is on bail. Basically, petitioners bear no criminal antecedent of any case, except the case which has been filed by



the same party. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya in connection with Mufassil P.S. Case No. 852 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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