

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82839 of 2024

Arising Out of PS. Case No.-338 Year-2024 Thana- NOORSARAI District- Nalanda

Ramsewak Chouhan @ Sewak Chouhan S/o Late Ramavtar Chouhan R/o vill
- Govindpur, Beldari, P.S.- Noor Sarai, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 84563 of 2024

Arising Out of PS. Case No.-338 Year-2024 Thana- NOORSARAI District- Nalanda

Santosh Kumar S/O Ramsewak Chouhan R/O Village- Govindpur, Beldari,
P.S- Noor Sarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 82839 of 2024)

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
Mr.Ritesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP
(In CRIMINAL MISCELLANEOUS No. 84563 of 2024)

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
Mr.Ritesh Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-12-2024 Heard learned senior counsel for the petitioners and
learned Additional Public Prosecutor for the State

2. Since both the petitions for anticipatory bail arises
out of same PS Case i.e. Noorsarai P. S. Case No. 338 of 2024,
they are being heard together and disposed of by a common
order.

3. The petitioners apprehend arrest in connection with



Noorsarai P. S. Case No. 338 of 2024 dated 26-07-2024, institute or the offence punishable under Sections 191(2), 191(3), 190, 115(2), 109, 132 and 352 of the Bhartiya Nyay Sahita 2023 and Section 27 of the Arms Act.

4. The prosecution case, in short, is that on 26.07.2024, the informant received secret informant that two groups are quarreling near Rasalpur chowk with regard to a land. When the informant along with other police personnel reached there to verify the same, then both the groups proceeded towards police and fired upon them. Two persons namely, Shyam Bihari Kumar and Rahul Kumar were apprehend at the spot who disclosed that Santosh Kumar petitioner of Cr. Misc. No. 84563 of 2024 and Ramsewak Chouhan petitioner of Cr. Misc. No. 82839 of 2024 are one party and co-accused Dharmendra Chouhan and Jatan Chouhan are another party who were quarreling for land dispute.

5. Learned senior counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner, namely, Ramsewak Chouhan of Cr. Misc. No. 82839 of 2024 is an advanced aged person of 60 years. It is further submitted that there is no specific allegation against the petitioners rather the



allegation levelled against them are general and omnibus in nature. It is also submitted that there is neither any overt act against the petitioners nor there has been recovery of any incriminating article from the house of the petitioners nor anybody suffered any sort of injury either of gun shot or any of the weapon. It is next submitted that similarly situated co-accused Jatan Chouhan @ Ramjatan Chouhan and Dharmendra Chouhan have been granted anticipatory bail by this Court vide order dated 04-12-2024 passed in Cr. Misc. No. 80963 of 2024. Lastly, it has been submitted that the petitioner, namely, Ramsewak Chouhan of Cr. Misc. No. 82839 of 2024 has no criminal antecedents whereas petitioner, namely, Santosh Kumar of Cr. Misc. No. 84563 of 2024 has three criminal cases pending against him.

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

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Noorsarai P. S. Case No. 338 of 2024 they shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned CJM Nalanda at Bihar Sharif, subject to condition as laid down under Section 438(2) of the Cr.P.C and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

8. The applications stand allowed.

(Khatim Reza, J)

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