

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80963 of 2024

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

1. Jatan Chouhan @ Ramjatan Chouhan S/o Late Ramavtar Chouhan R/o vill - Govindpur, Beldari P.S.- Noor Sarai, Distt.- Nalanda
2. Dharmendra Chouhan S/o Ramjatan Chouhan R/o vill - Govindpur, Beldari P.S.- Noor Sarai, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate
Mr. Ritesh Kumar, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Noorsarai P.S. Case No. 338 of 2024 dated 26.07.2024, instituted for the offence punishable under Sections 191(2), 191(3), 190, 115(2), 109, 132, 352 of the Bhartiya Nyay Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on 26.07.2024, the informant received secret informant that two groups are quarreling near Rasalpur more 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 and Ramsewak Chouhan is one party and Dharmendra Chouhan (petitioner no. 2) and Jatan Chouhan (petitioner no. 1) is another party who were quarreling for land dispute.

4. Learned 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 no. 1 is an advanced aged person of 65 years and petitioner no. 2 is the son of petitioner no. 1. It is further submitted that there is no specific allegation against the petitioners rather the allegation levelled against the petitioners are general and omnibus in nature. It is also submitted that there is neither any overtact 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. Lastly, it has been submitted that the petitioner no. 1 has one criminal case against him and petitioner no. 2 has three criminal cases against him.

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



6. 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 petitioner 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 upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Nalanda at Bihar Sharif, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his 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.

4. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Khatim Reza, J)

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