

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.790 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- ARIYARI District- Sheikhpura

1. Kailash Chauhan Son of Late Lakhan Chauhan Resident of Village- Taraper, P.S.- Ariyari, District- Sheikhpura
2. Sonelal Chauhan Son of Kailash Chauhan Resident of Village- Taraper, P.S.- Ariyari, District- Sheikhpura
3. Shankar Chauhan @ Shankar Kumar Son of Kailash Chauhan Resident of Village- Taraper, P.S.- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Jainendra Kumar Pushkar, learned counsel for the petitioners as well as Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ariyari P.S. Case No. 242 of 2023, F.I.R. dated 20.08.2023 for the offences punishable under Sections 341, 323, 308, 354, 504, 506/34 of the Indian Penal Code and Sections 3 & 4 of the Dain Act.

3. According to prosecution case, all the accused persons have assaulted the informant and her family members due to which all of them have sustained injuries.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R is 15.08.2023 but the present F.I.R has been instituted on 20.08.2023 i.e. after delay of 5 days without giving any explanation of the said delay. He further submits that although there is specific allegation against these petitioners that they have assaulted the family members of the informant but the injury report of the son of the informant, namely, Suman Kumar suggests that he has received two injuries and both the injuries are simple in nature and injury report of husband of the informant, namely, Anil Chauhan suggests that he has received four injuries and all injuries are simple in nature and injury report of father-in-law of the informant, namely, Ishwardhari Chauhan suggests that he has received three injuries out of which two are simple in nature and one injury is grievous in nature due to fracture in his hand which is not the vital part of the body.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners that they have assaulted the family members of the informant



and apart from that the petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the pending cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 the learned Additional Chief Judicial Magistrate 1st, Sheikhpura in connection with Ariyari P.S. Case No. 242 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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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