

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22902 of 2025

Arising Out of PS. Case No.-212 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Arjun Chauhan Son of Ramashankar Mahto @ Ramahshankar Chauhan
Resident of Village - Birsa Bathua, P.S. - Phulwariya, District - Gopalganj
2. Ramashankar Mahto @ Ramashankar Chauhan Son of Late Mahant
Chauhan Resident of Village - Birsa Bathua, P.S. - Phulwariya, District -
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2025 Heard Mr. Umesh Kumar Singh, learned counsel
for the petitioners and Mr. Anil Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
29.01.2025 in connection with Phulwariya P.S. Case No. 212 of
2024, F.I.R. dated 12.07.2024 for the offences punishable under
Sections 127(1), 115(2), 118(2), 109, 303(2), 352(2), 351(2)
and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused
persons including these petitioner armed with deadly weapons
brutally assaulted the informant and her family members and
also threatened to kill them over a petty dispute.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is the counter blast of Phulwariya P.S. Case No. 138 of 2024 which was filed by the petitioner no. 1 against the informant and her family members. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that there is specific allegation against the petitioners that they have assaulted to Baliram Chauhan and Anshu Kumari due to which they have received injuries. Due to previous dispute the present occurrence took place and the informant is agnate of the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 29.01.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and there is case and counter case between the parties, let the petitioners, above named, 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 XVI, Gopalganj in connection with Phulwariya P.S. Case No. 212 of 2024, subject to the 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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