

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26747 of 2025

Arising out of PS. Case No.-192 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

Guddu Chauhan, S/o Raghu Chauhan, R/o Village - Ganpat Nagar, P.S.-
Neemchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s: Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Neem-
chak Bathani P.S. Case No. 192 of 2023 instituted for the of-
fences under Sections 147, 148, 149, 341, 323, 504, 506, 379
and 307 of the Indian Penal Code and Section 27 of the Arms
Act. He has eight criminal antecedents.

3. The prosecution case is that on 24.10.2023 the in-
formant was inside her house and her son was at the doors when
the petitioner along with other named accused persons armed
with lathi, danda and rifle etc. had approached the house of the
informant and they started firing and on the orders of one co-ac-
cused, Subila Devi, Satish shot upon Sanjay, the son of the in-
formant which hit on his abdomen. He was taken to the hospital



for treatment, however, during the course of his treatment the son of the informant died.

4. It is submitted by learned counsel for the petitioner that there is a general and omnibus allegation against all the accused persons and as far as the petitioner is concerned, there is no specific allegation of assault on the petitioner and from perusal of the FIR it is evident that the specific allegation of firing is upon Satish. It is further submitted by learned counsel for the petitioner that similarly situated co-accused namely Nitish Kumar @ Nitish Chauhan as well as Raghu Chauhan have been granted bail by a Co-ordinate Bench of this Court *vide* order dated 06.09.2024 passed in Cr. Misc. No. 53049 of 2024 along with Cr. Misc. No. 65281 of 2024 which has been brought on record *vide* Annexure-P3. It is also submitted by learned counsel for the petitioner that though the petitioner carries eight criminal antecedents but he is on bail in all the cases. It is lastly submitted that the petitioner is in custody since 15.11.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has stated that the petitioner was one of the members who had come armed with deadly weapons, however, he does not dispute specific allegation was upon one co-accused Satish.



6. Considering the aforesaid submissions of learned counsel and taking into account the fact that there is no specific allegation against the petitioner and similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court *vide* Annexure-P3 and also the petitioner is in custody since 15.11.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Shivang Srivastava, Judicial Magistrate, 1st Class, Gaya (or his successor) in connection with Neemchak Bathani P.S. Case No. 192 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.



(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner of the eight cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except these cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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