

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33241 of 2025**

Arising Out of PS. Case No.-267 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Gaya Chauhan S/o- Banka Chauhan Resident of Village- Kuchaikote PS-
Kuchaikote, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 13-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kuchaikote P.S. Case No. 267 of 2023 registered on 04.06.2023 for the offences under Sections 341, 323, 324, 326, 307 and 504/34 of the Indian Penal Code.

3. As per prosecution case, over some trivial issue, petitioner and other co-accused persons, who were armed with iron rod, *lathi* and knife, assaulted the relative of the informant causing serious injury to him. Allegation against the petitioner is that he hit on the head of the relative of the informant who fell down after receiving injury.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. FIR has been lodged after delay



of one day without any satisfactory explanation and after getting injury report. FIR does not mention what type of weapon was used by the petitioner for hitting on the head of the informant. The injury report of the informant shows fracture of right parietal bone. But there is no allegation of any repetition of blow or no such injury has been found. Learned counsel further submits that moreover it appears that there was only one injury and allegation of assault is against a number of persons. The petitioner and the informant side are agnates and there is land dispute between them. Co-accused Banka Chauhan has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 67529 of 2023. Petitioner is in custody since 21.03.2025 and charge-sheet has been submitted. Petitioner is having antecedent of one case in which he is on bail.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner is that he hit the relative of the informant on his head and C.T. Scan report shows fracture of right parietal bone.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



grant of bail to co-accused persons and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj/concerned court in connection with Kuchaikote P.S. Case No. 267 of 2023, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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