

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47044 of 2025**

Arising Out of PS. Case No.-344 Year-2024 Thana- DURAULI District- Siwan

1. Akhilesh Chouhan S/O Mahesh Chauhan, Resident of Village- Sareya Rampur, PS- Darauli, Dist- Siwan.
2. Ansh Chouhan S/O Mahesh Chauhan Resident of Village- Sareya Rampur, PS- Darauli, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr.Ajay Kumar Tiwary, Advocate       |
| For the Opposite Party/s | : | Mr.Dr.Mrityunjaya Kr.Gautam, APP     |
| For the Informant        | : | Mr. Rampravesh Nath Tiwari, Advocate |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      25-09-2025                      Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioners seek bail in connection with Darauli P.S. Case No. 344/2024, registered for the offence under Sections 126(2), 115(2), 118(1), 109, 352 and 3(5) of the Bhartiya Nyaya Sanhita 2023 (hereinafter referred to as "BNS") and later on Section 103(1) of the BNS was added.

3. The accused/petitioners are named in the F.I.R. and are in custody since 03.04.2025.

4. As per FIR, occurrence took place due to



land dispute between the parties, where during the occurrence father of the informant was killed out of assault caused by co-accused, Mahesh Chauhan whereas these petitioners assaulted to brother of the informant, namely, Manu Chauhan cutting his nose during the occurrence. The informant was also alleged to assault during occurrence by lathi and rod, receiving internal injuries.

5. Learned Counsel appearing on behalf of the petitioners submitted that the maximum allegation against petitioner no. 1 is to assault brother of the informant by using dab, which is a sharp edged cut weapon. It is submitted that if the allegation be taken into consideration then certainly the incised wound must be found upon the nose of the injured brother of the informant, namely, Manu Chauhan but upon perusal of his injury report, it appears that it was only pain and tenderness on nose without having any cut injury, whereupon X-ray the nasal bone found fractured, therefore, the injury was categorized as grievous in nature. It is submitted that allegation of fatal



assault is available against father of these petitioners, namely, Mahesh Chauhan and to aggravate the allegation *qua* these petitioners also, the allegation as to assault with *dab* was raised, which *prima facie* appears false, in view of aforesaid discussed medical report of the injured, namely, Manu Chauhan. It is also submitted that petitioner no. 2 is facing general and omnibus allegation *qua* physical assault. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioners claimed clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Rampravesh Nath Tiwari, appearing on behalf of the informant while opposing the prayer of bail submitted that the allegation is specific against petitioner no. 1 as to assault on the nose of the brother of the informant, causing grievous injury by using *dab* but he could not disputed the factual submission as advanced by learned counsel



appearing for the petitioners *qua* physical assault as submitted above.

7. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* no cut injury upon medical examination found upon nose of brother of the informant and it was pain with tenderness only, rather allegation of fatal assault is specifically available against father of the petitioners, coupled with the fact that investigation of this case is already completed, where both petitioners remain in custody since 03.04.2025, accordingly, both above named petitioners are directed to be released on bail in connection with Darauli P.S. Case No. 344/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

**(Chandra Shekhar Jha, J)**

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