

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90082 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- NAVINAGAR District- Aurangabad

Shiv Chouhan @ Sheo Chauhan @ Shiv Chauhan S/o Ugrashen Chouhan @
Ugrasen Chauhan R/o Village- Mahuari, PS- Nabinagar, Dist- Aurangabad,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nabinagar P.S. Case No. 15 of 2024 dated 15.01.2024 instituted for the offence punishable under Sections 147, 149, 341, 323, 307, 302, 379, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, the informant along with his friends was going to Sasaram by a four wheeler vehicle. On the way, driver of a dumper and a motorcycle entered into altercation with them regarding parking of the vehicle. In the meantime, the local people gathered there and brutally assaulted them, due to which, Arman, Anzar and Muzahid died and the informant and his friends received serious injuries.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that F.I.R. has been lodged against unknown persons. The petitioner has been made accused in this case only on the basis of confessional statement of Mukesh Chauhan who has been granted bail *vide* order dated 02.07.2024 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 26314 of 2024. It is further submitted that for the same occurrence, a case bearing Nabinagar P.S. Case No. 14 of 2014 has also been lodged by one Dhirendra Chauhan against the deceased and the informant. In that F.I.R., Dhirendra Chauhan has stated that some altercation took place between the informant's side of the present case and the members of the accused side. It is submitted that one person from the informant side of this case took out his pistol and fired targeting Mukesh Chauhan but the firing hit the father of the informant who was taken to hospital for treatment where he was declared dead. In retaliation of death of father of the informant (Dhirendra Kumar), the mob assembled and assaulted the members of the informant's side. It is further submitted that the members of the informant side were opening fire targeting the members of accused side. It is further submitted that in retaliation the mob assaulted three persons and all the three persons succumbed to the injuries.



Learned counsel for the petitioner further submits that nothing has come against the petitioner except the confessional statement of co-accused. Similarly situated several co-accused persons have been granted bail vide order dated 02.07.2024 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous Nos. 21104 of 2024, 26314 of 2024, 28001 of 2024 & 31191 of 2024. Lastly, it has been submitted that the petitioner is in custody since 09.09.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st Aurangabad in connection with Nabinagar P.S. Case No. 15 of 2024.

(Khatim Reza, J)

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