

COURT OF ADDITIONAL SESSIONS JUDGE-IV, BARH, PATNA

ABP NO. 9811/2022

(1) Sharwan Chauhan

Vs.

State

(Arising out of Bhadaur P.S. Case No. 118/2022

u/s. 147, 149, 323, 341, 307, 504 I.P.C.)

ORDER

15.02.2023

1. Anticipatory bail petition was filed on behalf of petitioner **(1) Sharwan Chauhan** (under A.B.P. No. 9811/2022) in connection with Bhadaur P.S. Case No. 118/2022 u/s. 147, 149, 323, 341, 307, 504 I.P.C.
2. Prosecution story, in brief, as per written report is that on 25.10.2022 at about 7 A.M., while informant was at her house Sharwan Chauhan came there armed with iron rod started abusing to Bachchi Devi, Gotani of the informant and on portest made by the informant, then he assaulted her and when her husband Suresh Chauhan intervened to save her, Sharwan Chauhan caused injury on her head by iron rod. Further that on 'Hulla, all these petitioners came on the spot armed with Lathi, Paina, iron rod and bricks started assaulting them. They claimed that they have got injuries on their persons.
3. It has been submitted by the learned counsel on behalf of the petitioner that he has not moved any application either for regular bail or anticipatory bail either before Court of Session or before Hon'ble High Court of Judicature at Patna and there is no criminal antecedent of the petitioner.
4. It has been further submitted by the learned counsel of the petitioner that the petitioner is quite innocent and has committed no offence rather he has been falsely implicated in this case. Further that no case is made out u/s. 307 I.P.C. and other sections are bailable in nature. Further that both the parties are closed neighbours, residing adjacent to each other and have got dispute for supply of dirty water in 'Gali' between the house of both the party. Therefore, the petition may be allowed.
5. Learned A.P.P. for the State vehemently opposed the bail petition.
6. Case diary has been received. There is mentioning of counter-case also. The

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bail has been granted in counter-case. The petitioners Sharwan Chauhan is said to have hit informant with an iron rod. He is also said to have hit informant's husband Suresh Chauhan. Perused through the injury report, the injury report mentions lacerated wound on the hand and leg of both the victims, X-ray has been advised. The defence side also suggested that there has been some dispute as to water harvesting in between the parties. Though F.I.R. speaks of injury on head but the injury report suggests otherwise. Considering the facts and circumstances of this case and also considering the fact that the petitioners seems to be related to the informant side, also considering that injury is on both the sides and single blow has been alleged against the petitioner Sharwan Chauhan, he is are granted bail. In the event of his arrest or surrender before the court below within a period of 30 days from the date of communication of this order, petitioner **(1) Sharwan Chauhan** is allowed anticipatory bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of learned Lower Court, subject to the fulfilment of conditions as laid down under Section 438(2) of the Cr.P.C.

7. Let the copy of this order be sent to the concerned trial court.

Dictated & Corrected
sd/-
(Rajiv Kumar-III)
Addl. District & Sessions Judge- IV,
Barh, Patna