

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36272 of 2015

Arising Out of PS.Case No. -39 Year- 2014 Thana -BHADAUR District- PATNA

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1. Biran Chauhan Son of Late Ram Swarup Chauhan resident of village -
Daulatpur Beldari, P.S. Bhadaur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap

For the Opposite Party/s : Mr. Mustaque Alam(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bhadaur
P.S. Case No. 39 of 2014 registered for the offence punishable
under Sections 302 of the Indian Penal Code.

On the basis of complaint petition this case has been
registered with an allegation that the petitioner used to visit the
house of complainant/informant and in his absence he committed
rape with the wife of the informant and thereafter strangled her
to death with rope.

Submission is of false implication and that during
investigation witnesses namely, Manoj Chauhan, Ram Varan
Yadav, Ramawatar Ravidas, Bindeshwar Chauhan vide Para 14,

25, 26 and 27 have stated that the wife of the petitioner committed suicide by hanging herself. No complaint was earlier made regarding the allegation of rape and the petitioner has been implicated falsely with oblique motive.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that several witnesses namely, Laxiya Devi, Ranju Devi, Meena Devi, Daulti Devi, Yogendra Chauhan, Ramlal Chauhan and others vide para 12, 13, 15, 21, 22 and 23 have seen the petitioner fleeing away from the house of the deceased and the deceased was found dead having rope in her neck.

In the facts and circumstances stated above, considering that some of the witnesses are not supporting the prosecution version in its entirety, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned A.C.J.M., Barh, Patna arising out of Bhadaur P.S. Case No. 39 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of

the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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