

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27358 of 2015

Arising Out of PS.Case No. -188 Year- 2014 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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Chandramani Chauhan Son of Late Bindeshwar Chauhan Resident of
village- Bira Kuwar, P.S.- Islampur, District- Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Singh (APP)

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

3 23-09-2015 Heard the learned counsel for the petitioner, the

learned A.P.P as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 302/34 of the I.P.C and section 27 of the
Arms Act.

Allegedly, when Kamla Devi was serving meal to her
Bhagina Azad Kumar on the roof then in the meantime the
petitioner and other F.I.R. named accused persons being armed
with pistol and rifle surrounded the house and after going on the
roof the petitioner and Akhilesh Chauhan @ Allakh Chauhan shot
Azad Kumar causing his death and further all the four accused
persons opened fire on Kamla Devi also but she was any how

saved.

Submission is of false implication and that during postmortem only one injury has been found and further during investigation Nitish Kumar son of Kamla Devi vide paragraph- 68 of the case diary has stated that Akhilesh Chauhan @ Allakh Chauhan shot Azad Kumar causing his death and Kamla Devi has also stated similarly before the Supervising authority, to which the learned A.P.P. duly assisted by the learned counsel for the Informant opposes prayer for bail by submitting that besides the informant Kamla Devi in paragraph-10 of the case diary and other witnesses have stated that the petitioner was also the assailant.

Considering the aforesaid submissions and noticing that during postmortem one wound of entry and one wound of exit has only been found and as during investigation later on in the statement of Nitish Kumar and further Kamla Devi before the Supervising authority have stated that Akhilesh Chauhan @ Allakh Chauhan was the assailant and as such considering detention of the petitioner and further that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the

satisfaction of A.C.J.M. Hilsa (Nalanda) in Islampur P.S. Case No. 188 of 2014, subject to the conditions that one of the bailors must be a 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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