

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38728 of 2016**

Arising Out of PS.Case No. -12 Year- 2003 Thana -PAKARIBARAW District- NAWADA

=====

Balram Chauhan @ Baliram Chauhan son of Shivjee Chauhan @ Shiv Chauhan Resident of Village - Odpura, P.S. - Pakribarawan, District - Nawada.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Bisheshwar Ram

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

5      18-11-2016                      Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304B, 201, 494/34 of the Indian Penal Code.

Petitioner happens to be brother in law of the deceased, who died in the year 2003 and thereafter, the present case was lodged against the petitioner and others. The police after investigation submitted charge sheet showing the petitioner absconder.

Submission on behalf of the petitioner is that after institution of the present case when informant came to know about

the real cause of death of the deceased, he filed a petition before the Chief Judicial Magistrate exonerating the petitioner and others from the allegations and also prayed before the Chief Judicial Magistrate, Nawada to send the aforesaid petition to investigating officer but it appears that the aforesaid petition was not sent to the concerned investigating officer and subsequently, in the year 2007, the investigating officer submitted charge sheet showing the petitioner absconder. It is further submitted that as a matter of fact, when informant filed petition before the Chief Judicial Magistrate in the year 2005, the petitioner was under impression that the case has already ended and that was the reason petitioner could not surrender before the court below. It is submitted that moreover, petitioner is in jail custody since 05.06.2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Kumar, Judicial Magistrate 1st Class, Nawada in connection with Pakribarawan P.S. Case No. 12 of 2003.

**(Hemant Kumar Srivastava, J)**

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