

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46889 of 2016

Arising Out of PS.Case No. -371 Year- 2015 Thana -TEGHRA District- BEGUSARAI

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Pintu Chaurasiya @ Pintu Kumar @ Pintu Chaurasia, Son of Madan Chaurasiya, Resident of Village- Chatrawar, P.S. Pakri Barama, District- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramji Kumar, Advocate.
For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-01-2017 Heard both sides.

The petitioner apprehends his arrest in Teghra P.S. Case No. 371 of 2015 registered for the offences punishable under Sections 307 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant Narain Chaurasiya alleged that he came out from his house at 06:45 in the morning and he saw two unknown persons were standing there. The informant also saw Pintu Chaurasiya and Jitendra Chaurasiya standing there. Jitendra Chaurasiya fired at him which hit the informant. The informant further alleged that Pintu Chaurasiya and Jitendra Chaurasiya are brothers-in-law of his son. The informant's daughter-in-law died in railway accident and that is why the petitioner and his brother



were running after the life of the informant.

Learned counsel for the petitioner submits that the occurrence took place on 17.12.2015, but the informant gave his fardbeyan on 18.12.2015 after 30 hours of the occurrence. During course of investigation, none of the witness has supported the case of the prosecution. From perusal of the paragraph-5 of the case diary, it would appear that the police officer went to enquire from the informant immediately after the occurrence, but the informant did not make any statement and he asked the police officer to come on next day as he was not in a position to speak. Other witnesses have stated that they came after hearing the sound of firing, but the informant did not disclose the name of any assailants. The informant Narayan Chaurasiya has already been convicted and sentenced under Section 304B of the Indian Penal Code in Barauni Rail P.S. Case No. 7 of 2014, corresponding to Sessions Trial No. 413 of 2014 for the murder of the sister of the petitioner only after a month of the occurrence.

It appears that, of course, there is enmity between both the sides. Sister of the informant was killed in which the informant and his family members were convicted immediately after institution of the case. The petitioner is also said to have fired, but the firing did not hit the informant. Jitendra Chaurasiya fired



which hit the informant, but other witnesses have not supported the case of the prosecution.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Teghra P.S. Case No. 371 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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