

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.520 of 2017

Arising Out of PS.Case No. -41 Year- 2015 Thana -NARDIGANJ District- NAWADA

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1. Daya Chauhan @ Dayanand Chauhan
2. Sita Chauhan Both S/o Bangali Chauhan Both Resident of Tarauni, P.S.
Nardiganj, District- Nawada.

.... Appellants

Versus

1. The State of Bihar.
2. Smt. Kunti Devi, W/o Satendra Ravidas, Resident of Village- Naraura,
P.S. Nardiganj, District- Nawada.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Bansh Dubey, Advocate
For the Respondent/s : Mr. Sri Sadanand Paswan, S.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 26-04-2017 Heard learned counsel for the appellants and learned
Special P.P. representing the State.

This criminal appeal has been filed for release of the appellants on bail in connection with Nardiganj P.S. Case No. 41 of 2015 registered for the offences punishable under Sections 302/34 of the Indian Penal Code, Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 and Section 27 of the Arms Act.

The appellants want to renew their prayer of bail, which was earlier rejected vide order dated 18.03.2016 passed in Cr. Misc. No. 1627 of 2016, on the ground that during



investigation Niranjan Chouhan has confessed his guilt and he has stated that he shot the deceased. The appellants are not the assailants and, as such they deserve sympathetic consideration.

The learned Special P.P. fairly submits that Niranjan Chouhan confessing his guilt, has stated that he shot the deceased and as such Niranjan Chouhan is the assailant.

In the facts and circumstances as stated above, the appellants above named are 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 Special Judge, Nawada in connection with Nardiganj P.S. Case No. 41 of 2015, 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 appellants shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the appellants from privilege of bail.

(Jitendra Mohan Sharma, J)

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