

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47479 of 2017

Arising Out of PS.Case No. -1110 Year- 2016 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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Dhiraj Kumar Chaurasiya @ Dhiraj Pd. Chaurasiya @ Dhiraj Chaurasiya
son of late Ganesh Pd. Chaurasiya, resident of Mohhala-Khilanganj, P.S.
Sasaram Town, District-Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Pandey

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-12-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
09.08.2017 in connection with Sasaram Town P.S. Case No. 1110
of 2016 for offences punishable under Sections 380, 384 and 387
of the Indian Penal Code. Later on Sections 427 and 457 I.P.C. has
been added.

The prosecution case, as lodged by the informant, is
that the informant objected not to make gate on the backside of the
house of the informant and on which the informant was to put his
gate and also demanded Rs. 20,000/- as Rangdari. It is alleged
that earlier Sasaram P.S. Case No. 180 of 2004 was lodged
against the petitioner for killing his brother and a Title Suit No.



336 of 2005 is pending between the parties.

It has been submitted by the learned counsel for the petitioner that he is innocent and no overt act has been committed by the petitioner. He submits that both petitioner and the informant are neighbours, no demand of Rangdari was made by the petitioner and the title suit has been dismissed on 20.09.2017 and decree has been passed on 10.10.2017 by the learned Sub-Judge-I, Sasaram against which the Title Appeal No. 60 of 2017 has been filed by the petitioner. The matter relates to the civil dispute and that the charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that earlier also the petitioner had killed the brother of the informant and both are on inimical terms and a civil dispute is pending between the parties.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Chief Judicial Magistrate, Sasaram, District-Rohtas, in connection



with Sasaram Town P.S. Case No. 1110 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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