

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18168 of 2018

Arising Out of PS.Case No. -245 Year- 2014 Thana -HISUA District- NAWADA

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Kundan Chaurasia @ Kundan Chaurasiya, S/o Ravindra Chaurasia @
Ravindra Prasada Chaurasiya, resident of Village- Kaithar, P.S.- Hisua,
District- Nawada (Bihar).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Hisua P. S. Case No. 245 of 2014 registered under Sections 147,
148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that though the petitioner was named in the FIR in
course of investigation, the culpability in the offence was not
found true and, therefore, while submitting charge-sheet against
six named accused persons, he was not sent up for trial. However,
the informant of the case went in revision before the court of
learned Sessions Judge and the learned Chief Judicial Magistrate



also accepted the police report and took cognizance only against the six charge-sheeted accused persons, but in the revision filed on behalf of the informant, the learned Sessions Judge without issuing any notice to the petitioner set aside the order of the learned CJM and remanded the matter back to the court of learned CJM for passing order afresh pursuant to which the petitioner has also been summoned. It is submitted that even otherwise from perusal of the FIR, it would transpire that no overtact is alleged against the petitioner.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering the submissions made on behalf of the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nawada in Hisua P. S. Case No. 245 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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