

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56223 of 2019

Arising Out of PS. Case No.-175 Year-2017 Thana- NOORSARAI District- Nalanda

1. BALRAM CHAUHAN, aged about 47 years, Male, Son of Lakhan Chauhan, Resident of Village - Chaterpur, P.S.- Noorsarai, District- Nalanda
2. Ganesh Chauhan, aged about 32 years, Male, Son of Lakhan Chauhan, Resident of Village - Chaterpur, P.S.- Noorsarai, District- Nalanda
3. Rajendra Chauhan, aged about 57 years, Male, Son of Ramlal Chauhan Resident of Village - Chaterpur, P.S.- Noorsarai, District- Nalanda

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sudhir Kumar Raj, Adv.

For the Opposite Party : Mr. Rajeev Nayan, APP 231

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Noorsarai P.S. Case No. 157 of 2017, pending in the Court of the Chief Judicial Magistrate, Nalanda at Biharsharif, for the offence alleged under Section 302/34 of the Indian Penal Code.

The accusation is that at about 11.00 a.m. on 05.08.2017, the informant, Buddhiya Devi, was present in the field situated near the well and she saw that her brother-in-law, Ramjee Chauhan, was caught hold by petitioners no. 1 and 2, namely, Balram Chauhan and Ganesh Chauhan, and petitioner no. 3, Rajendra Chauhan, was causing assault through khanti to



Ramjee Chauhan and, thereafter, her brother-in-law was dashed in the well. On raising alarm by her, the villagers came and her brother-in-law was taken out from the well and sent to Sadar Hospital, Biharsharif, where the Doctor declared him dead.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioners. The prayer for pre-arrest bail is **rejected**. The petitioners is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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