

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1116 of 2019

Arising Out of PS. Case No.-61 Year-2009 Thana- ATRI District- Gaya

Vijai Chauhan @ Vijay Chauhan Son of Ram Charitar Chauhan @ Charitra Chauhan Resident of Village- Battam Tar @ Batamatar, Police Station- Atri in the district of Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sri Asharaf Ansari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 24-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Atri P.S. Case No. 61 of 2009 registered for the offence punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged in the FIR that while her husband along with son were coming her husband was intercepted by three unknown miscreants while her son managed to escape and informed the informant and she heard sound of firing and when she and others reached at the place of occurrence she found her husband dead. She suspected that F.I.R. named accused have got her husband killed because of land dispute.

It is submitted that petitioner is innocent and has been



implicated in this case on suspicion because of land dispute. There is no eye witness of occurrence. Similarly placed co-accused Munilal Chouhan and Roop Lal Chauhan have already been granted bail by a co-ordinate Bench of this Court as contained in Annexure 2. Petitioner has no criminal antecedent and he is in custody since 03.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 13, Gaya in connection with Atri P.S. Case No. 61 of 2009, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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