

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4104 of 2020

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

Rajendra Chauhan (male), aged about 52 years, Son of Late Ramlal Chauhan
Resident of Village - Chatterpur, P.S.- Noorsarai, Distt - Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ansul, learned counsel for the petitioner and Mr. Satyavrat Verma, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Noorsarai PS Case No. 175 of 2017 dated 05.08.2017 instituted under Sections 302/34 of the Indian Penal Code.

4. The petitioner, along with two other persons, is accused of killing the brother-in-law of the informant by assaulting him and throwing him in a well.

5. Learned counsel for the petitioner submitted that the allegation is false and concocted. It was submitted that the brother of co-accused Balram Chauhan was killed by the son of the deceased and currently undergoing imprisonment upon



conviction and due to this reason there was past enmity between the parties and the present false case has been instituted. It was submitted that independent witnesses have stated that the deceased was sleeping in his field when there was cry that there was checking of illegal electric use and since the petitioner was also using electricity for irrigating his field, without due electric connection, acting in a rush, he fell into the well and drowned. Learned counsel submitted that even in the postmortem it has come that there was lacerated wound on the head and also blood clot below the scalp. It was submitted that the same did not indicate any assault as there was no other mark of violence on the rest of the body. It was submitted that the police, under the circumstances and after thorough investigation, had rightly submitted final form and not sent the accused, including the petitioner, for trial, but the Court below differing from the same, had taken cognizance only on the basis of the informant claiming to be the eye witness. It was submitted that though the petitioner is accused in two others cases, but not of serious nature and is in custody since 18.09.2019.

6. Learned APP, from the case diary, submitted that the petitioner has been identified by the informant and the allegation is that all three had assaulted and pushed the deceased in the well resulting in his death. However, he fairly submitted



that except for the informant claiming to be the eye witness no other witness has claimed to have seen the accused, including the petitioner, having assaulted the deceased. It was also not disputed that the police after investigation had submitted final form and not sent the petitioner and the other accused for trial.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM VII, Nalanda at Bihar Sharif in Noorsarai PS Case No. 175 of 2017, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

