

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21939 of 2020**

Arising Out of PS. Case No.-838 Year-2019 Thana- FORBESGANJ District- Araria

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BABLU KUMAR CHAUHAN @ BABLU CHAUHAN Son of Raj Kumar Chauhan @ Ful Kumar Chauhan Resident of Village - Katahara, Chauhan Tola, Ward no. 3, P.S.- Forbisganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 10-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

At the outset, the learned counsel for the petitioner undertakes to remove all the defects, as pointed out by the stamp reporter, within a period of four weeks of resumption of normal physical functioning of the Court including resumption of physical filing.

Heard the learned counsel for the petitioner and Matlub Rub, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Forbisganj P.S. Case No. 838 of 2020 for the offence punishable under Sections 302/ 34 of the Indian Penal Code.



The case of the prosecution in brief is that while the father of the informant had gone to ease himself in his field behind his house, the accused persons including the petitioner herein, on account of previous enmity, are alleged to have caught and assaulted him with sticks and fists, resulting in him falling down and becoming unconscious, whereafter, upon alarm being raised, the informant and other had reached there, however the accused persons had managed to escape and then the father of the petitioner was taken to his home and in the early morning at 4 A.M., he is stated to have passed away.

The learned senior counsel appearing for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 17.05.2020. It is further submitted that similarly situated co-accused person has already been granted the privilege of regular bail by a co-ordinate Bench of this Court by an order dated 14.01.2020 passed in Cr. Misc. No. 1930 of 2020. It is submitted by referring to the said order dated 14.01.2020 that though the assault is stated to have been made by fists, lathi, danda etc. by the accused persons, however, the postmortem report would show that there is only one injury on his occipital region and two other injuries are on right part of lower lips and on the right elbow, hence apparently the narration in the FIR is highly exaggerated. At this juncture, the learned Senior counsel has also submitted that a co-ordinate Bench of this Court, vide order dated 18.12.2019 passed in Cr. Misc. No.



80066 of 2019, has granted the privilege of bail to one other accused person.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by this Court, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for the release of the petitioner on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbisganj P.S. Case No. 838 of 2020.

(Mohit Kumar Shah, J)

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