

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57482 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- BRAHMPUR District- Buxar

JAI PRAKASH CHAUBEY Son of Vishram Chaubey Resident of Village -
Jawahi Diyar (Misir Dera), P.S.- Brahmpur, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 10-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody seeks bail in a case
registered under Sections 302, 201/34 of the Indian Penal Code.

Informant has alleged in his fardbeyan that on
21.06.2019 his deceased brother Ramji Yadav was present at the
egg shop of his nephew Sudarshan Yadav when at about 7.30
PM his brother was taken away by accused Purushottam
Chaubey to prepare “Litti Chokha” and thereafter did not return
and on 22.06.2019 at 4:00 PM the dead body of his brother was
found near the bush. It is further alleged against the petitioner
that he had threatened his brother two days ago that he will meet
dire consequences and has raised suspicion that FIR named
accused who are all brothers have killed his brother.



It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case on the basis of suspicion and there is no direct allegation against him of killing his brother and at best it is a case of last seen against his brother. Petitioner has no criminal antecedent and is in custody since 24.06.2019.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Brahmpur P.S. Case No. 273 of 2019 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his



bail bond.

(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)

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