

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78951 of 2019

Arising Out of PS Case No.-357 Year-2019 Thana- HISUWA District- Nawada

1. Nandkishore Chauhan (Male), aged about 60 years, Son of Late Sukhdeo Chauhan.
2. Kanti Devi @ Bachchi Devi (Female), aged about 55 years, Wife of Nandkishore Chauhan.
3. Kanhai Chauhan @ Kanhaiya Chauhan (Male), aged about 30 years Son of Nandkishore Chauhan.
All residents of Village - Shivganj, Jaimangal Bigha, PS- Sitamarhi, District- Nawada.
4. Pramod Chauhan (Male), aged about 35 years, Son of Sadhu Chauhan
Resident of Village - Koniyaapur Sarbahada, PS- Sarbahada, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate
For the State	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-09-2020

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

2. Heard Mr. Arjun Prasad, learned counsel for the petitioners and Ms. Rina Sinha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.



3. The petitioners apprehend arrest in connection with Hisua PS Case No. 357 of 2019 dated 01.09.2019, instituted under Sections 302, 201, 120B/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they had killed the son of the informant whose body was recovered from a hill with sign of injury on the face and back side of the head due to assault by stone and skin on his chest and stomach being scraped indicating that it may have been caused due to burn.

5. Learned counsel for the petitioners submitted that only on the basis of suspicion, the entire family i.e., the petitioner no. 1, his wife, his son and son-in-law, have been made accused. Learned counsel submitted that during investigation only the close relatives of the informant supported the prosecution story and that too only on suspicion based on a year old incident, when the petitioners no. 1 and 2 had quarreled with the informant and they had threatened that the foundation of the informant would be finished. It was submitted that the dispute/quarrel was of a minor nature and could not have resulted in the petitioners killing the son of the deceased as they had nothing to gain from it and further even the informant and the relatives who have been examined by the police during investigation have not given any details with regard to the quarrel to even indicate that it was of such a grave



nature which could have resulted in the petitioners killing the son of the informant. Learned counsel submitted that except for suspicion, there is no other material and further that the petitioners have no criminal antecedent. It was contended that there are no witnesses to the crime.

6. Learned APP, from the case diary, submitted that close family members of the informant have supported the prosecution story. However, she did not controvert that nothing has been stated with regard to the nature of dispute/quarrel between the parties and that nobody has seen the petitioners committing the crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in Hisua PS Case No. 357 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall cooperate with the Court and the



prosecution. Failure to do so shall result in cancellation of their bail bonds.

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

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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