

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20959 of 2021**

Arising Out of PS. Case No.-477 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Vishnu Kumar Chaurasiya @ Vishnu Chaurasiya Son Of Nandlal Chaurasiya @ Nandlal Prasad Chaurasiya R/O Gandhi Nagar, Vishnu Lodge, Ward No. 33, P.S. Aurangabad (TOWN), District- Aurangabad
 2. Ravi Kumar Chaurasiya @ Ravi Chaurasiya Son Of Nandlal Chaurasiya @ Nandlal Prasad Chaurasiya R/O Gandhi Nagar, Vishnu Lodge, Ward No. 33, P.S. Aurangabad (TOWN), District- Aurangabad

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-07-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Aurangabad (Town) P.S. Case No. 477/2019 registered for the offences punishable under Section 323, 353, 186, 307, 302, 34 of the Indian Penal Code.

As per prosecution story, the informant has alleged that on 12.12.2019 at 8:30 P.M. his house owner Nandlal Chaurasia was demanding the dues rent and on this some altercation took place and the house owner abused and assaulted the informant and his two brothers, and when the informant along with his brothers and police officer came to the house



owner he started throwing piece of stones from the roof and on such attack his brother received head injury, thereafter he was taken to hospital and died.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, there is general and omnibus allegation against the petitioners, however he is in custody since 21.12.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein this court has noticed that the allegation is that of throwing stones and bricks against five named accused persons, the informant, his brother and the police officer had allegedly gone to the house of the petitioners at about 8:30 P.M. in the night hours of the winter season and had been knocking the door, the petitioners and their family members thought that some thieves have come, therefore, they started throwing bricks and stones, in similar circumstance this court had granted earlier bail to the co-accused Koushalya Devi @ Koushalya Chaurasia @ Shushila Devi in Cr. Misc. No. 17810/2020 and Nandlal Prasad Chourasiya in Cr. Misc. No. 17946/2020, these petitioners are said to be in custody since 21.12.2020, investigation against



them is complete but the trial is not likely to take place in near future, this Court directs release of the petitioners above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Town) P.S. Case No. 477/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

