

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30544 of 2020

Arising Out of PS. Case No.-60 Year-2014 Thana- GOPALPUR District- Gopalganj

TUFANI @ BHUTELI CHAUHAN Son of Late Bhirgun Chauhan Resident
of Village- Baraipatti Barahar, P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra,Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-01-2021 Heard learned counsel for the petitioner and Mr. Rana
Randhir Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Gopalpur P.S. Case No. 60 of 2014 registered for the offences punishable under Sections 302, 206, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the informant who is the chaukidar got information regarding hanging of a dead body on a tree in *chaur*, he informed the police station and identified the dead body to be of Ranjan Chauhan Son of the petitioner. It is alleged that he got secret information that due to family dispute the deceased committed suicide.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is the father of the deceased and the death had taken place because the deceased had consumed



poison.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted that the petitioner has been made accused on the so-called secret information received by the chaukidar, the petitioner happens to be the father of the deceased, death had taken place because the deceased had consumed poison as has been informed to this Court by learned APP for the State, the petitioner has remained in jail for over one year, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Gopalpur in connection with Gopalpur P.S. Case No. 60 of 2014, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

Case diary has been returned. Let it be kept on record.

(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'.

