

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3482 of 2021**

Arising Out of PS. Case No.-16 Year-2015 Thana- SIRDALA District- Nawada

MAHENDRA CHAUHAN S/o Late Munni Chauhan Resident of Village-
Rabio Beldari, P.S.- Sirdala, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 09-04-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Sirdala P.S. Case No. 16 of 2015 registered for
the offences punishable under Sections 147, 148, 149, 323, 342,
307, 376/511, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant was sitting in her house, the
F.I.R. named persons, variously armed, entered into her house
and abused and assaulted the informant on his forehead with the



intention of killing. All the F.I.R. named persons also tried to commit rape on her and Rajender Chauhan, Sunita Devi who came to save her have also been assaulted by the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the specific allegation of assault is against co-accused Surendra Chauhan, Virendra Chauhan and Pappu Prasad, and co-accused Surendra Chauhan has already been released on bail by a learned Co-ordinate Bench of this Court. It is submitted that the petitioner has got no criminal antecedent and he is in custody since 03.07.2020.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is submitted that the specific allegation of assault is against the co-accused Surendra Chauhan, Virendra Chauhan and Pappu Prasad and co-accused Surendra Chauhan has already been released on bail and recently similarly situated co-accused, Sudhir Chauhan has also been granted bail by a learned Co-ordinate Bench of this Court, learned A.P.P. for the



State is unable to controvert the submissions of the petitioner and differentiate his case from those who have been granted bail, this petitioner has otherwise no criminal antecedent, investigation against him is complete, 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 A.C.J.M.-V, Nawada in connection with Sirdala P.S. Case No. 16 of 2015 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.

This application stands disposed of accordingly.

(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'.

