

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9613 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- NAURANGIA District- West Champaran

Banshi Chauhan @ Sokha @ Banshi Son Of Late Bhagwat Chauhan Resident
Of Village- Salikpur, Police Station- Hanumanganj, District- Kushi Nagar
(U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Naurangiya P.S. Case No.
34 of 2020, registered for the offence punishable under Sections
302, 201, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, on 18.05.2020 at about
3.30 pm petitioner took the father of informant to his father-in-
law's house for doing witchery (Sokhaiti) and when the
informant's father did not return till 25.05.2020, mother of
informant reported this matter to the Hanumanganj Police
Station. When the informant along with villagers searched near
Mithu Pool of Rehua river, dead body of his father recovered.



Informant suspected that this petitioner along with unknown persons committed murder of his father.

It is submitted on behalf of the petitioner that informant is not the eye witness of the occurrence. Petitioner has been made accused in this case only on the basis of suspicion. As per the FIR this petitioner took the deceased on 18.05.2020 whereas, dead body was recovered on 26.05.2020 and thereafter FIR was lodged. It is a case of circumstantial evidence and save and except suspicion there is no material against this petitioner which shows his complicity in the aforesaid crime. Petitioner is in custody since 23.08.2020 having clean antecedent. Investigation is complete.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Naurangiya P.S. Case No. 34 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

vinita/-

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