

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4633 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- JAYRAMPUR District- Sheikhpura

1. Kaushlendra Chauhan, Son of Chandeshwar Chauhan,
2. Ramakant Chauhan, Son of Chandeshwar Chauhan,
3. Chandeshwar Chauhan, Son of Late Dawarik Chauhan @ Dvarika Chauhan

All are residents of Village - Moti Bigha, Police Station - Sarmera in the district of Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate Mr. Sunil Kumar, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Jairampur P.S. Case No. 30 of 2021 registered for the alleged offences under Sections 302, 201, 120 (B)/34 of the Indian Penal Code.

The prosecution case is that the brother of the informant went missing and after a few days, his dead body was



found. The informant raised suspicion that the petitioners committed murder of his brother.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case merely on the basis of suspicion. Nothing came out during investigation against the petitioners to show their involvement in the instant case. There is no eye witness to the occurrence, who has seen the petitioners committing the crime. Even the FIR has been lodged after much delay. For an occurrence dated 24.08.2021, the FIR has been registered only on 30.08.2021, though the dead body has been allegedly recovered on 28.08.2021. There is no reasonable explanation for this delay in lodging the FIR and it shows due deliberation and afterthought on the part of the informant. Earlier the daughter of the petitioner no.3 filed a case against the present informant and his associates vide Sarmera P.S. Case No. 257 of 2020 and for this reason, the petitioners were falsely implicated by the informant in this case. The charge sheet has been submitted and the petitioners are in custody since 26.11.2021.

Learned APP as well as learned counsel for the informant opposes the prayer for bail submitting that the petitioners are named in the FIR and the post mortem report



shows that death has been caused due to head injury due to hard and blunt substance. The petitioners are having criminal antecedents.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that in the whole case diary except for suspicion of the informant and other witnesses against the petitioners for causing the death of brother of the informant, nothing substantive has come up showing their involvement in the occurrence and further considering the fact that the charge sheet has been submitted in this case and the petitioners are in custody since 26.11.2021, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sheikhpura in connection with Jairampur P.S. Case No. 30 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.



(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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