

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8788 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- ATRI District- Gaya

=====

BAM CHAUHAN S/O BHUNESHWAR CHAUHAN @ MUNESHWAR
CHAUHAN RESIDENT OF VILLAGE- DIHURI, P.S.- ATRI, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8877 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- ATRI District- Gaya

=====

RAJBALABH CHAUHAN @ RAJBALAM CHAUHAN SON OF
BHUNESHWAR CHAUHAN @ MUNESHWAR CHAUHAN RESIDENT
OF VILLAGE- DIHURI, P.S- ATRI, DIST- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8788 of 2022)

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

(In CRIMINAL MISCELLANEOUS No. 8877 of 2022)

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Pranav Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners are permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.



Petitioners seek bail in a case registered for the offences punishable under Sections 302, 328 and 34 of the I.P.C.

According to prosecution case, in brief, is that the informant solemnized the marriage of his sister with Rajballabh chauhan in the year 2013 according to Hindu rites and rituals. On 14.08.2021 at about 8:20 AM Rajballabh Chauhan informed him on mobile that his sister Pravila Devi consumed poison and died. Thereafter, he went to Dehuri and found her body lying in bushes at the bank of Paimar river then with the help of his family members he brought her dead body to his house and informed Atri police station. The informant says in F.I.R. that he is quite sure that the petitioners have assaulted his sister and killed her.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact petitioner no. 1 is the brother-in-law and petitioner no. 2 is the husband of the deceased. He further submits that the allegation as alleged in the FIR does not supported the post-mortem report and the police after investigation submitted the charge sheet against the petitioners. The petitioner no. 1 is in custody since 28.08.2021 and



petitioner no. 2 is in custody since 14.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no. 1 carries one criminal antecedent and petitioner no. 2 carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Atri P.S. Case No. 271 of 2021, subject to the following conditions:-

1. Petitioners 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. 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 his 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

(Rajesh Kumar Verma, J)

minu/-

U		T	
---	--	---	--

