

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21526 of 2022

Arising Out of PS. Case No.-29 Year-2021 Thana- KASMA District- Aurangabad

RAJU CHAUHAN @RAJ KUMAR CHAUHAN SON OF HARINANDAN
CHAUHAN R/O- VILLAGE- HUSSAIN KARMA, P.S.- KASMA,
DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR ADVOCATE GENERAL

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Kasma
P.S. Case No. 29 of 2021 registered for the offences punishable
under Sections 147, 149, 323, 504, 379, 307 and 436 of the
Indian Penal Code.

As per the prosecution case, the accusation against
the petitioner namely Raju Chauhan is that he assaulted the
informant with iron rod hitting on below his head adjacent to
ear as a result of which the informant fell down unconsciously.

Learned counsel for the petitioner submits that



petitioner is in custody since 20.02.2022. Petitioner bears no criminal antecedent. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter-case for the same day of occurrence. In such type of cases the facts are generally exaggerated by super-addition. The petitioner earlier lodged F.I.R against the informant and his family members and the present case is nothing but the counter-blast of the earlier case lodged by the petitioner. The counsel for the petitioner submits that the place of injury as shown in the injury report is different from as lodged in F.I.R. He further submits that during the course of investigation examined witnesses have not supported the said allegation and setting fire in hut. In view of the facts and circumstances of the said occurrence no case under section 307, 379, 436 of I.P.C. is made out against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as injury report opined to be simple in nature, period of custody, keeping in view the clean antecedent of the petitioner, case and counter-case between both the parties, arguments



advanced on behalf of the parties, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (BIHAR) in connection with Kasma P.S. Case No. 29 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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