

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24002 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Amarjeet Chauhan Son of Late Girdhari Chauhan R/o Village - Karvandia, P.S. - Chainpur, District Kaimur at Bhabhua.
2. Sanjeev Chauhan Son of Late Girdhari Chauhan R/o Village - Karvandia, P.S. - Chainpur, District Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Chainpur P.S. Case No. 226 of 2021 lodged under Sections 341,
323, 302/34 of the I.P.C.

As per the prosecution case, 3 named accused persons
including the petitioners along with the brother of the informant
went to visit *Mundeshwari Sthan* and in the evening they have
returned and intimated to the family that accident took place.
Subsequently, the deceased has disclosed that it is the petitioners

who assaulted the deceased and during treatment he died.

Learned counsel for the petitioners submit that they are innocent and has committed no offence. They further submits that they have provided treatment to the deceased vide Annexure-2 and thereafter safely brought the deceased to his house. They also submits that the said injury is caused not due to assault rather due to the accident. Counsel for the petitioners further submit that the accused persons are in custody since 20.12.2021, charge sheet has already been filed in this case. He further submits that the antecedent of petitioner no. 2 is clean whereas antecedent of petitioner no. 1 is not clean and there are 3 criminal cases pending against him. He further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that the deceased himself disclosed as per the statement of the F.I.R. that he was subject to the assault at the hand of the petitioners.

Upon specific query, learned counsel for the petitioners submit that 3 months from the framing of charge has already been lapsed. In this background, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of

the like amount each to the satisfaction of learned A.C.M.-II, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 226 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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