

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32422 of 2021**

Arising Out of PS. Case No.-107 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Manoj Chaurasiya Son of Bhikhari Chaurasiya Resident of Village- Shivpur,
P.S.- Sonhan, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 09-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bhabhua
(Sonhan) P.S. Case No. 107 of 2020 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 379, 337,
302, 307, 324, 504, 506 of the Indian Penal Code.

According to prosecution case, the informant alleges
that he and his father were getting their house constructed, when
Dadan Chaurasiya, Manoj Chaurasiya, madan Chaurasiya,
Haridwar Chaurasiya, Ram Bachan Chaurasiya, Suresh Bind,



Mantu Bind, Sunita Devi, Radhika Devi and Sumitra Devi came to the place of occurrence. As soon as the accused reached, Haridwar Chaurasiya directed the other accused to kill the informant and his father. Dadan Chaurasiya hit the father of the informant on his head with a Lohbanda, due to which the father of the petitioner fell down, allegedly the petitioner also hit the father of the informant with a rod after which all the accused person assaulted the father of the informant with stick and rod. Later on, the father of the informant died in course of treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that allegation of father of informant against the Dadan Chaurasia (Labour). He further submits that as per F.I.R. is only that he also assaulted the father of the informant and there is admitted land dispute between the parties and the present case is counter blast of Bhabhua (Sonhan) P.S. Case No. 108 of 2020 instituted by the co-accused Dadan Chaurasia. It is further submitted that charge sheet has been submitted against the petitioner and other accused persons in this case. He further submits that similarly situated, co-accused, namely, Haridwar Chaurasia has been



granted bail by a co-ordinate Bench of this Court vide order dated 02.12.2020 passed in Cr. Misc. No. 31535 of 2020 and co-accused Sunita Devi and Radhika Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 02.11.2020 passed in Cr. Misc. No. 27193 of 2020. The petitioner is in custody since 12.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submitted that there is direct allegation of overt-act against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Chief Judicial Magistrate, Bhabhua in connection with Bhabhua (Sonhan) P.S. Case No. 107 of 2020, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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