

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.37434 of 2021**

Arising Out of PS. Case No.-102 Year-2019 Thana- THAKRAHA District- West Champaran

UPENDRA CHOUHAN, Son of - Late Nandlal Chouhan, Resident of Village  
- Koirpatti, P.S. - Thakraha, District - West Champaran. ... .. Petitioner  
Versus

The State of Bihar ... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate  
For the Opposite Party/s : Mr.Umeshanand Pandit, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      18-01-2022              Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Umeshanand Pandit, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with S.Tr. No. 84 arising out of Thakraha P.S. Case No. 102 of 2019 registered for the offences punishable under Sections 328, 302, 201, 120(B), 34 of the Indian Penal Code. The petitioner is in custody since 13.10.2019.

Learned counsel for the petitioner submits that this petitioner happens to be the own brother of the deceased. Allegation against him is that he was having illicit relationship with the wife of the deceased and to get rid of his brother both the petitioner and the wife of the deceased hatched a conspiracy



and administered poison to the deceased and thereafter his dead body was thrown in the water.

Learned counsel submits that the allegation against the petitioner is false and baseless. The mother of the deceased who is also deponent of this case on behalf of the petitioner has made statement in course of investigation that there was a quarrel between the wife of the deceased and the deceased during the night hours and thereafter, the deceased was found dead and *jhaag* was coming out from his mouth.

Learned counsel further submits that there is no eye witness to the alleged occurrence and till date there is no FSL report confirming that the death has taken place due to poisoning. Several co-villagers assembled and they were of the view that the death had taken place due to snake bite, therefore, under the village custom the dead body was not burnt and it was thrown in the water.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering that in the impugned order learned Additional Sessions Judge Ist court, Bagaha has recorded that the case is still pending for framing of charge and further that the petitioner has remained in custody for about two years three months by now and there is no



likelihood of commencement of trial and conclusion thereof in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1<sup>st</sup> , Bagaha, West Champaran in connection with S.Tr. No. 84 arising out of Thakraha P.S. Case No. 102 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

