

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38531 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- BHADAUR District- Patna

Chandra Deo Chauhan, son of Late Ram Jatan Chauhan @ Ram Babu Chauhan, Resident of Village- Saidpur, P.S.- Barh, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bhadaur P.S. Case No. 75 of 2019 registered for the offences punishable under Section 302, 201, 120B/34 of the Indian Penal Code. He is in custody since 23.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that his brother was living with his wife at his sasural, their relationship was not good because his wife was a quarrelsome lady. It is alleged that while receiving a call from one person of village Shobhatikka that his brother has been killed by his wife and other accused persons and thrown the dead body in the river Bamaniya near the village, the informant



reached there and enquired about the same from his brother's wife, mother-in-law and brother-in-law, but they did not reply anything. Thereafter the informant with the help of villagers searched his brother and found the dead body at Issa Nagar Tal and identified as his brother.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the entire case is based on mere suspicion, however petitioner is in custody since 23.01.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the entire case is based on a mere suspicion, the deceased and the co-accused persons in this case are closely related to each other and the co-accused Bijendra Chauhan and Jodhan Chauhan who are the brother-in-law of the deceased have been granted bail by a learned coordinate Bench of this court vide order dated 24.08.2021 passed in Cr. Misc. No. 20932/2021, so far as the case of the petitioner who is also one of the brother-in-laws of the deceased is concerned, learned A.P.P. for the State accepts that he is similarly situated with the co-accused who have been granted bail, this Court directs release of the petitioner above



named on bail on furnishing of bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand only) with two sureties of the
like amount each to the satisfaction of learned Additional
District and Sessions Judge-IV, Barh in connection with
Bhadaur P.S. Case No. 75 of 2019, subject to the condition as
laid down under Section 437 (3) 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

