

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29135 of 2022

Arising Out of PS. Case No.-256 Year-2020 Thana- KATEYA District- Gopalganj

1. Gorakh Chauhan S/o Satyanarayan Chauhan R/o Khadahi, P.S.- Kateya, District- Gopalganj.
2. Chandrabhusan Chauhan S/o Gorakh Chauhan R/o Khadahi, P.S.- Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Rakesh, Advocate
For the Informant	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The informant in her written report alleges that on false allegation of love affair between her son and Rambha Kumari, all the accused persons quarreled with her and her son



and threatened to kill them. After that the informant sent her son to her sister's house. The informant further alleges that on 11.08.2020 accused persons called her another son, namely, Lakhi Chanda Chouhan to their house and committed the murder of her son and tried to burn the dead body of her son.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. In fact, the petitioners have not committed any offence and the petitioners have been falsely implicated due to previous enmity between the parties. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that co-accused Manju Devi has been granted bail by a Coordinate Bench of this Court vide order dated 16.11.2021 in Cr. Misc. No. 22296 of 2021, another co-accused Mohan Chauhan has been granted bail by this Court vide order dated 17.11.2021 in Cr. Misc. No. 23536 of 2021. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 15.02.2022.

Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently opposed the



prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kateya P.S. Case No. 256 of 2020, with the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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