

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39539 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- NARDIGANJ District- Nawada

1. Subodh Kumar @ Subodh Chauhan, Son of Girani Chauhan, Resident of Village- Tarauni, P.S.- Nardiganj, District- Nawada.
2. Ajay Kumar @ Ajay Chauhan, Son of Bhojraj Chauhan, Resident of Village- Tarauni, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Navin Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Birendra Kumar, learned counsel for the petitioners and Mr. Satyendra Narayan Singh, learned APP for the State as well as Mr. Navin Sharma, learned counsel for the informant.

The petitioners seek regular bail, who are in custody in connection with Nardiganj P.S. Case No. 22 of 2021 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code.

As per prosecution case, it is alleged that on 09.02.2021 while the informant had gone to tie his animal, then



co-accused Mishree Chauhan started abusing and asked him to take away the animal from there. When the informant protested, the co-accused Mishree Chauhan called all his family members, thereupon it is alleged that altogether 14 persons came there and assaulted the father of the informant and other family members, due to which the father of the informant died.

It is submitted by the learned counsel appearing on behalf of the petitioners that from the tenor of the F.I.R. it is evident that the informant has specifically stated with regard to the occurrence, as to how the entire occurrence has taken place and the name of the co-accused persons, who were armed with lathi, Khanti and Iron rod, but no specific allegation has been made against the petitioners. It is further submitted that there is specific allegation against Bharat Chauhan, who allegedly assaulted the father of the informant over his temporal region and this fact has also been corroborated by the post-mortem report. It is also submitted that from bare perusal of the post-mortem report it appears that the deceased sustained two injuries, one over the temporal region and the another over the chest. It is lastly submitted that these petitioners are in custody since 09.02.2021 and after investigation, the charge-sheet has already been submitted on 30.04.2021, apart from the fact that



the petitioners have clean antecedent.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners have actively participated in the crime and the post-mortem report also suggest other injuries, which have been attributed against all the accused persons, who in furtherance of common intention assaulted the deceased.

Having considered the submissions made on behalf of the parties and taking into consideration the general and omnibus nature of allegation, apart from the fact that the specific allegation of assault has been leveled against co-accused Bharat Chauhan, inasmuch as, there is admitted land dispute between the parties and moreover the investigation has already been completed and the charge-sheet has been submitted and these petitioners are in custody since 09.02.2021, having got clean antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nawada in connection with Nardiganj P.S. Case No. 22 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-



(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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