

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42687 of 2021**

Arising Out of PS. Case No.-59 Year-2021 Thana- SISWAN District- Siwan

SURESH CHAUHAN S/o- Indrajit Chauhan Resident of Village- Gabhirar,
P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr.Anita Kumari Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 30-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Siswan P.S. Case No. 59 of 2021 for the offence punishable
under Section 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution story, in brief, is that while the
informant was in Delhi in connection with his treatment, he was
informed by his wife Sabita Devi that her father-in-law (father
of the petitioner) has been murdered in the night of 22.02.2021.
The informant after receiving the information returned back to



his home and on 25.02.2021, he lodged an F.I.R against unknown persons. In course of investigation, the name of the present petitioner has surfaced on the basis of confessional statement of one co-accused Amit Yadav.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He was on inimical terms with co-accused Amit Yadav. Amit Yadav has purposely named the petitioner to implicate him in a case registered under Section 302 IPC for having committed murder of the father of the informant Binda Yadav. He submits that in course of investigation it has come in Para-26 of the case diary that both the informant as well as co-accused Amit Yadav were on inimical terms. He further submits that petitioner has clean antecedent and is in custody since 07.03.2021 and in absence of any eye witness, no case is made out against the petitioner.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the statement made by the petitioner as well as material which has come in course of investigation, prima facie it appears that co-accused Amit Yadav against whom there is strong suspicion of having committed murder of the



father of the informant has named the petitioner in his confessional statement. In this regard, petitioner has submitted before this Court that said Amit Yadav was not having good relationship with the present petitioner and there were instances which took place with respect to the payment of wages to the petitioner by said Amit Yadav. Petitioner has clean antecedent and in course of investigation apart from the confessional statement of co-accused Amit Yadav, no corroborative evidence has come nor any other witness has supported the complicity of the petitioner in the alleged murder of the father of the informant. Prima facie it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Siwan in connection with Siswan P.S. Case No. 59 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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