

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65089 of 2021

Arising Out of PS. Case No.-147 Year-2017 Thana- NARDIGANJ District- Nawada

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Gaurav Chauhan @ Gaurav Kumar S/o Mahendra Chauhan R/o Village-
Sirpatia, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Nardiganj P.S. Case No. 147 of 2017 registered
for the alleged offences under Sections 302, 379/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution case is that the petitioner along with other
co-accused persons opened fire on the son of the informant who
later on succumbed to the injury.

The learned counsel for the petitioner submits that
only allegation attributed to the petitioner that he opened fire on



the son of the informant. But this allegation is against other three accused persons as well and the firearm injury has not been found to be fatal in the postmortem report as cause of death has been stated to be shock and hemorrhage due to incised injury caused by sharp weapon. Moreover, only one firearm injury has been found on the body of the deceased. In fact, the petitioner has been falsely implicated in this case as to put pressure upon brother of the petitioner who has earlier filed a case against the informant and his family members. The injury report does not match the description of assault as described by the informant which shows the informant was not even present at the spot and he is not an eye witness. The deceased died due to injuries caused by sharp weapon and there is nothing on record to show that the petitioner assaulted the deceased with the sharp weapon.

Learned counsel for the petitioner further submits that other co-accused persons have been allowed anticipatory bail as well as regular bail vide Order dated 23.01.2020 passed in Criminal Misc. No. 4371 of 2020 and order dated 04.03.2020 passed in Criminal Misc. No. 9085 of 2020, respectively. The petitioner is in custody since 31.08.2021.

Learned A.P.P. for the State has opposed the



submissions made on behalf of the petitioner and submitted that the petitioner and other co-accused persons fatally wounded the son of the informant and there is specific allegation against the petitioner for causing firearm injury to the son of the informant.

Having regard to the submissions made hereinabove and considering the fact that cause of death of the son of the informant is not the injury attributed to the petitioner and further considering the fact that similarly situated co-accused Binod Chouhan has been granted bail by a Coordinate Bench as well as the detention period of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) 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. 147 of 2017, subject to the following conditions :

(i) The bail bond of the petitioner shall be accepted only after framing of charge, if not already framed.

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every day fixed by the court below.

(iii) In case of absence for three consecutive dates or



in violation of the terms of the bail, the bail bond of the
petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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