

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65909 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- KAKO District- Jehanabad

BITTU CHAUHAN, Son of Pratap Chauhan Resident of Village - Badhauna ,
P.S.- Kako (Bhelawar O.P.), Distt.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kako
(Bhelawar O.P.) P. S. Case No. 30 of 2021, instituted for the
offences under Sections 395, 397 of the Indian Penal Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 05.09.2021, charge-sheet has
been submitted, he is a person with clean antecedent.

The learned counsel for the petitioner further submits
that the informant alleges that when he came down from
upstairs in the morning at 5.00 A.M., he saw the door of the
house opened and articles, as mentioned in the FIR, were stolen
and saw his wife in an injured condition, who disclosed the
name of the accused persons including the petitioner, who had
committed the robbery.

The learned counsel for the petitioner submits that
the injured at para-26 of the case diary has given a specific
statement that she was injured on account of assault by *khanti*



made by Ranjan Bind. The learned counsel further submits that though it is alleged in the FIR by the informant that his wife was seen in an injured condition and the wife alleges that she was assaulted by Ranjan Bind, but there is no injury report in the case diary.

Learned A.P.P. for the State very fairly submits that allegation as alleged by the informant appears to be exaggerated version as there is no injury report in the case diary. He further relies on vide order dated 03.01.2022 passed in Cr. Misc. No. 34438 of 2021 (Surendra Yadav vs. The State of Bihar) and submits that in the said case, case diary was called for and after perusal of the case diary it appears that there is no injury report in the case diary.

Considering the fact that the petitioner is in custody since 05.09.2021, charge-sheet has been submitted and has clean antecedent and co-accused has been granted bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jehanabad in connection with Kako (Bhelawar) P.S. Case No. 30 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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