

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68370 of 2021

Arising Out of PS. Case No.-921 Year-2015 Thana- SASARAM MUFFSIL District- Rohtas

Vishundeo Chauhan, S/o Parsuram Chauhan, R/o village- Dadni (Dadpi), P.S.-
Paraiya, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sasaram Muffasil P.S. Case No. 921 of 2015 registered for the alleged offences under Sections 364(a), 201, 120B and 34 of the Indian Penal Code.

As per prosecution case, the husband of the informant went missing after attending a dinner in the house of co-accused. He did not return and the informant lodged a complaint case which was later on sent to be registered as FIR under Section 156(3) of Cr.P.C. The informant named this petitioner and co-accused, who came to her house and her husband



accompanied them before he went missing.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case merely on suspicion. The whole prosecution story is false and concocted as is apparent from the facts of registration of the case. For an occurrence dated 08.11.2014, the complaint was filed only on 12.02.2015 and thereafter the FIR has been registered on 12.08.2015. During investigation, the police did not find anything against the petitioner and on the basis of confessional statement of the petitioner he has been made accused. The dead body has not been recovered till date. Learned counsel further submits that there is no direct or indirect evidence against this petitioner. Petitioner is in custody since 25.07.2021 and charge-sheet has been submitted in this case. Petitioner is having clean antecedent.

Learned APP opposes the prayer for bail, however, he concedes that there is only confessional statement of this petitioner implicating himself in the murder and disposing of the dead body of the husband of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



lack of substantive material to connect the petitioner with the alleged occurrence and further considering his clean antecedent along with period of custody and submission of charge-sheet, 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 Chief Judicial Magistrate, Sasaram at Rohtas, in connection with Sasaram Muffasil P.S. Case No. 921 of 2015, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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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