

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7861 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- NAYA RAM NAGAR District- Munger

NIRMAL CHAURASHIYA @ NIRMAL CHAURASIYA S/o Sri Haricharan
Mandal R/o Village- Lohcha Patam, P.S.- Naya Ramnagar, Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur,
	:	Mrs. Vaishnai Singh, Mr. Pravin Kumar
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that all the FIR named accused persons including the petitioner called the son of the informant from house and took him towards hill and committed murder by sharp cutting weapons. Four of them were caught by villagers while they were trying to flee and thereafter, they were handed over to the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of suspicion.



From perusal of FIR as well as case diary, it appears that no specific overt act is attributed against this petitioner rather general and omnibus allegation leveled against him. During course of investigation, co-accused namely, Monu Kumar who confessed his guilt and stated about the occurrence and at his instance, dead body of the deceased and knife which is alleged to be used in the offence, were recovered. As per the postmortem report, which has been mentioned in para 76 of the case diary, it does in-consonance with the prosecution as the deceased had sustained five lacerated wounds, but the cause of death has been stated to be caused by sharp cutting weapons. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 1.8.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Naya Ramnagar P.S. Case



No. 140 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Munger.

(Sunil Kumar Panwar, J)

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