

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11133 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- BARH District- Patna

Vipin Chauhan @ Vipin Kumar Son of Shyam Chauhan @ Ghanshyam Chauhan Resident of Village- Saidpur, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 30.12.2022 in connection with Barh P.S. Case No. 401 of 2022 , F.I.R. dated 27.06.2022 for the offences punishable under Sections 447, 448, 451, 452, 302, 307, 504 and 506 of the Indian Penal Code.

According to prosecution case, it is the case of self-written statement of one Lahiyva Devi, it is stated that son of the informant along with other children was playing outside the temple where religious activities were going on. And some scuffle took place between them. Due to this scuffle, some persons forcibly entered in the house of the informant armed with lathi, danda and iron rod started abusing and assaulting them.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that bare perusal of the FIR it transpired that there is no specific allegation of any assault or overt act is attributed against the petitioner rather at best the petitioner is the order giver and the similarly situated, co-accused, namely, Video Chouhan @ Bipin Chouhan @ Brij Chouhan has been granted bail by a co-ordinate Bench of this Court vide order dated 19.04.2023 passed in Cr. Misc. No. 965 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Additional Chief Judicial Magistrate – 1st, Barh in connection with Barh, P.S. Case No. 401 of 2022 , subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Aditi/Vikas

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