

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17531 of 2023

Arising Out of PS. Case No.-34 Year-2001 Thana- BHADAUR District- Patna

PAVITRA CHAUHAN Son of Late Payare Chauhan R/o Saidpur, P.S.- Barh,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
09.10.2022 in connection with Bhadaur P.S. Case No. 34 of
2001, F.I.R. dated 13.08.2001 registered for the offence
punishable under Sections 302,201,34 of IPC and Section 27
of Arms Act.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is that they after
committing murder of the informant's nephew threw his body in
river.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. The allegation as



alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 08.08.2001 but the present FIR has been instituted on 13.08.2001 after delay of five days without giving any explanation of delay only to falsely implicated the petitioner in the present case and in fact the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion the FIR has been instituted against the petitioner and other co-accused persons and as per FIR allegation against the petitioner and other co-accused persons is that they called the nephew of the informant on the pretext of the Panchayati and thereafter the nephew of the informant has not found anywhere and except the suspicion no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the co-accused person, namely, Anandi Paswan, against whom the similar allegation, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 23.08.2023 passed in Cr. Misc. No. 15651 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.10.2022.



5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 learned Judicial Magistrate 1st Class, Barh, Patna in connection with Bhadaur P.S. Case No. 34 of 2001, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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)

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