

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30739 of 2023

Arising Out of PS. Case No.-221 Year-2019 Thana- HALSI District- Lakhisarai

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BHARAT CHAUHAN SON OF LATE DASHRATH CHAUHAN
RESIDENT OF VILLAGE- MANACHAK, PS- SARMERA, DISTT-
NALANDA BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

This is an application for grant of anticipatory bail in
connection with Halsi P.S. Case No.221 of 2019, registered for
offences under Sections 302 and 34 of the IPC.

The allegation is regarding the informant and his
family members having arrived at the cattle shed for feeding the
cow on 17.10.2019 at 5'o clock in the morning, when the
informant found his father lying on the bed and blood was
spread all over the place, whereafter, the blanket was removed
and it was found that the neck of the father of the informant had
been cut and he had died. It is further alleged that some months
back a dispute had taken place in-between the father of the
informant and the co-accused person, namely, Rajeev Kumar



Chauhan due to an incident relating to the house of the said Rajeev Kumar Chauhan being burnt on account of short circuiting, whereupon the said Rajeev Kumar Chauhan had threatened the family of the informant of dire consequences, in case compensation was not paid. It is also alleged that the petitioner herein, who is the maternal uncle of the said Rajeev Kumar Chauhan, had also threatened the father of the informant earlier.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that no specific allegation of the petitioner having engaged in any sort of overt act has been levelled and merely it has been alleged that he had threatened the father of the informant some months back, thus the petitioner is not having any complicity in the matter. It is also submitted that the main accused person, namely, Rajeev Kumar Chauhan has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 03.03.2020, passed in Cr.Misc No.13720 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai, in connection with Halsi P.S. Case No.221 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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