

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31890 of 2023

Arising Out of PS. Case No.-219 Year-2021 Thana- HATHUA District- Gopalganj

=====

KALICHARAN @ KALICHARAN CHAUHAN s/o of Shankar Chauhan @
Umahsankar Chauhan Resident of Village- Aithi PS. Bankata, District-
Deoriya (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Hathua
P.S. Case No. 219 of 2021 PTN No. 1114/2021 registered for the
offence under Section 302 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and

is in custody since 04.12.2022.

The allegation against the petitioner is to commit

murder of son of the informant along with named and unknown

co-accused persons by causing firearm injuries.



Learned counsel appearing on behalf of the petitioner submitted that as per narration of FIR, it is clear that informant is not the eye-witness of the occurrence. It is also submitted that petitioner is not named in the FIR and his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Amit Singh @ Fauji as mentioned in para- 51 of the case diary, where in furtherance of no incriminating material recovered/surfaced subsequently so as to incriminate or connect petitioner, *prima facie* with the present occurrence of murder. While concluding the argument, it is submitted petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except confessional statement, nothing incriminating material surfaced/recovered against this petitioner during the course of investigation to connect him *prima facie* with the present occurrence of murder, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 04.12.2022 accordingly, petitioner above named,



is directed to be released on bail in connection with Hathua P.S. Case No. 219 of 2021 PTN No. 1114/2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with a further condition:-

(I) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

