

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33274 of 2022

Arising Out of PS. Case No.-208 Year-2020 Thana- NAUBATPUR District- Patna

KITTU CHAUHAN S/o Vinod Chauhan R/o Village - Charra, Police Station-
Naubatpur, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra
For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Sessions Trial No. 278 of 2021 arising out of Naubatpur P.S.
Case No. 208 of 2020 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

As per prosecution case, the informant Nand
Kishore Saw alleged that on 17.04.2020 his father went to sleep
in the shop, but on the next day he got information that his



father was murdered and when the informant went at the shop then found that his father's neck was chopped off and the dead body was lying on the ground. It is further alleged that petitioner and others have committed the murder of his father due to previous dispute. It is further alleged that petitioner and others threatened informant's father for dire consequence.

Learned counsel for the petitioner submits that petitioner is in custody since 09.10.2020 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the allegations against the petitioner are general and omnibus in nature. Learned counsel for the petitioner also submits that on similar allegation co-accused persons namely Prem Chauhan, Pintu Chauhan, Kariban @ Monu Chauhan and Raja Chauhan @ Raja have already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 37351 of 2020, 39821 of 2020, 33819 of 2021 and 50719 of 2021 respectively and the case of the present petitioner stands on similar footing. It has been submitted that charge has already been framed on 19.06.2021 and till date not a single prosecution witness has been examined and in that context delay of trial is not attributable to the petitioner.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused persons Prem Chauhan and others have already been granted bail by co-ordinate bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge – V, Danapur, Patna in connection with Sessions Trial No. 278 of 2021 arising out of Naubatpur P.S. Case No. 208 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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