

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39203 of 2023

Arising Out of PS. Case No.-147 Year-2018 Thana- JALALGARH District- Purnia

Prakash Chouhan @ Ram Prakash Chouhan S/O Late Ram Dual Chouhan @
Guru Dayal Chouhan R/O Village- Kachnahar Chak, P.S- Jalalgarh, Distt.-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in Lalalgarh P.S.
Cae No. 147/2018 instituted for the offence punishable under
Sections 302, 120(B)/34 of the Indian Penal Code.

As per allegation in the FIR, son of the informant had
gone towards south Kachnahar Basti for a while with the
petitioner and co-accused Ajay Chouhan. After half an hour an
information was received by the informant that his son is lying
unconscious on the door of Joganand Chouhan. Family
members took him to Primary Health Center Kasba, where
doctor declared him brought dead.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. No one is the eye witness of the alleged occurrence. Save and except last seen with the petitioner, nothing has come against the petitioner. Only on the basis of suspicion, the name of the petitioner dragged in the present case. During investigation, no consistent material has come against the petitioner to show his involvement in the present case. After completing the verification, police has submitted final form against the petitioner and other accused persons and the petitioner has not sent up for trial but differing the opinion learned lower court took cognizance against the petitioner u/s 302, 120(B)/34 of the IPC. As per postmortem report, doctor could not ascertain the cause of death and also in FSL report no metallic alkaloidal, pesticidal or volatile poisons could be detected. Petitioner is languishing in judicial custody since 29.03.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the above facts, this court is inclined to enlarge the petitioner on bail and he is directed to be enlarged on bail in connection with Jalalgarh P.S. case no. 147/2018 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand) with two sureties



of the like amount each to the satisfaction of the learned Judicial
Magistrate, 1st Class, Purnea.

(Sunil Kumar Panwar, J)

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