

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65696 of 2023**

Arising Out of PS. Case No.-463 Year-2021 Thana- ISLAMPUR District- Nalanda

SURENDRA CHAUHAN Son of Late Lala Chauhan R/o vill - Rupanchak,  
P.S. - Islampur, district. - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                   |
|--------------------------|---|---------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Tej Narayan Singh, Advocate<br>Mr. Harsh Kumar Singh, Advocate<br>Ms. Pushpa Kumari, Advocate |
| For the Opposite Party/s | : | Mr. Arun Kumar Singh, APP                                                                         |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      13-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.508 of 2022, arising out of Islampur P.S Case no.463 of 2021 registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that as a result of dispute over partition in the family, the petitioner and his wife assaulted their mother with spade leading to her death.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case over dispute relating to partition in the family which would be evident from the F.I.R itself. It is submitted that the informant happens to be



the daughter-in-law of the step brother of the petitioner. Even as per the allegations in the F.I.R, she is not an eyewitness to the occurrence. The manner of occurrence is other than what has been narrated in the F.I.R. The petitioner is in custody since 14.7.2022 and charge has been framed in the learned trial Court on 9.11.2022. Not a single witness has been examined on behalf of the prosecution inspite of nearly one year having passed since framing of charge. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P for the State who submits that as per the material which has transpired in course of investigation, the witnesses have seen the accused persons committing the occurrence.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR together with the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. However taking into consideration the contents of the order of the learned trial Court rejecting the application for bail of the petitioner wherein it has been stated that charge was framed on 9.11.2022, however, not a single witness has turned



up to depose on behalf of the prosecution, the learned trial Court is directed to expedite the trial.

8. Liberty is granted to the petitioner to renew his prayer for bail if there is no substantial progress in the trial after six months.

**(Partha Sarthy, J)**

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