

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65323 of 2022

Arising Out of PS. Case No.-75 Year-2019 Thana- BHADAUR District- Patna

SOMNATH CHAUHAN Son of Dummar Chauhan Resident of Village -
Shobha Thika, P.S.- Bhadaur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Tej Narayan Singh, Adv. Mr. Satyendra Pd. Singh, Adv. Mr. Harsh Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 22.08.2022
in connection with Bhadaur P.S. Case No. 75/2019, F.I.R. dated
13.10.2019, for the offences punishable under Sections 302, 201,
120(B) and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along with
other co-accused persons are alleged to have committed murder of
the brother of the informant and thrown the dead body in a river.

Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the
present case merely on the basis of suspicion. He further submits
that it appears from the F.I.R. that there is no specific allegation of
any assault or overt act rather there is general and omnibus



allegation against all the accused persons including the petitioner and no other cogent material has come during investigation against the petitioner in the present case. He further submits that similarly, co-accused, namely, Bijendra Chauhan and Johan Chauhan have been granted bail by a co-ordinate Bench of this Court vide order dated 24.08.2021 passed in Cr. Misc. No.20932/2021, another co-accused namely, Chandra Deo Chauhan has been granted bail vide order dated 27.02.2022 passed in Cr. Misc. No. 38531/2021, another co-accused namely, Dukhiya Devi has been granted bail vide order dated 04.04.2022 passed in Cr. Misc. No. 52033/2021 and another co-accused namely Rohit Kumar @ Rohit Chauhan has been granted bail vide order dated 11.04.2022 passed in Cr. Misc. No. 54516/2021 and the case of the petitioner is on similar footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri P.K.Tiwari, J.M.1st Class,



Barh, Patna, in connection with Bhadaur P.S. Case No. 75/2019,
subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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