

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65961 of 2022

Arising Out of PS. Case No.-725 Year-2022 Thana- PHULWARISHARIF District- Patna

Roshan Kumar Son of Kanhaiya Chauhan @ Kanhai Chauhan Resident of
village - Govindpur, P.S.- Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67791 of 2022

Arising Out of PS. Case No.-725 Year-2022 Thana- PHULWARISHARIF District- Patna

Kanhaiya Chauhan @ Kanhai Chauhan Son of Late Jit Lal Chauhan @ Jitlal
Jamadar Resident of Village- Govindpur, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65961 of 2022)

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Informant : Mr. Piyush Kant Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 67791 of 2022)

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Informant : Mr. Piyush Kant Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-07-2023 Heard learned counsel for the petitioners, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

Petitioners seek bail, who are in custody since
25.06.2022 in connection with Phulwarisharif P.S. Case No. 725
of 2022, F.I.R. dated 24.06.2022 for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.



According to prosecution case, in brief is that on 24.06.2022 informant of this case gave a written report before S.H.O. of Phulwarisharif police station stating therein that son of the informant was returning his home from Sri Ram Eye Care, Saguna More. In the night in between 9-10 P.M. he sustained fire arm injury. On heard of firing informant went there and found his son Suraj Kumar Chauhan was in injured condition and he was writhing in pain. Informant asked then son of the informant told that Kanhaiya Chauhan and his son have opened fire and there is also hand of wife of Kanhaiya Chauhan in this occurrence. It is further alleged that about one month ago Kanhaiya Chauhan and his son Rosan Chauhan had threatened to kill the informant and they had closed the Star of the informant.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence and the statement of the deceased was not recorded either before the police or the doctor. He further submits that except the suspicion, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence and



even the informant in his re-statement not stated anything about the petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 25.06.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that the deceased has informed the informant that the petitioners have fired upon the victim. He further submits that petitioner namely, Roshan Kumar carries one criminal antecedent other than the present one, in which he is on bail and petitioner namely, Kanhaiya Chauhan @ Kanhai Chauhan carries five criminal antecedents other than the present one, in which petitioner is on bail in four cases.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S. Case No. 725 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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