

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71379 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- NASRIGANJ District- Rohtas

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Rajesh Chaudhary Son of Nandu Chaudhary R/V- Hariharganj, Ward No. 10,
P.S.- Nasriganj, District- Rohtas At Sasaram

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nasriganj
P.S. Case No. 177 of 2022 registered for the offence under
Sections 302/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.09.2022.

The allegation against the petitioner is to commit
murder of father of the informant alongwith other co-accused
persons/family members due to previous enmities by means of



causing assault through hard and blunt substance.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, as per F.I.R., informant is not the eye witness of the occurrence, where entire allegation is raised on the basis of suspicion, in furtherance of which no incriminating material recovered/surfaced, during the course of investigation to connect petitioner, *prima facie*, with present occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that informant is not eye witness of the occurrence, as per F.I.R.

Considering the facts and circumstances as mentioned above, as save and except suspicion, no incriminating appears against this petitioner during the course of investigation, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nasriganj P.S. Case No. 177 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bikramganj, Rohtas/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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