

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.965 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- BARH District- Patna

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VIDEO CHOUHAN @ BIPIN @ BIPIN CHOUHAN Son of Birju 2 Brij
Nandan Chouhan R/v- Saidpur, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection with Barh P.S. Case No.401 of 2022 instituted under Sections 447, 448, 451, 452, 302, 307, 504, 506 of the IPC. lodged on 27.06.2022 by the informant Lakhiya Devi.

As per the FIR, on the eve of 'Akhand Kirtan' in the village of informant quarrel took between children of both parties, accused persons armed with lathi-danda and also with iron rod, entered the house of the informant and abused them. On protest made by the informant, accused persons called her pushing her hair and assaulted to her. In the meantime, her husband Pramod Chouhan reached on the spot. On which Ashok assaulted him with intention to kill him by iron rod causing injury on his head and on 'hulla', Rajendra Chouhan reached on



the spot Ashok Chouhan also caused injury to Rajendra Chouhan by means of spade. It is further alleged that accused persons assaulted by means of 'lathi' danda further added. The injured was brought to Barh from where was referred to PMCH Patna. On 26.6.2022 Pramod Chouhan was declared dead by the PMCH Patna on the same date at about 2.00 hours. Motive of the occurrence has been alleged that the dispute for performing the contract work. Accordingly, the FIR.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that entire family members have been roped and omnibus allegation has been made against all of them save and except the allegation against Ashok Chauhan that on the instance of Bipin Chauhan he gave 'Kudal' blow to the husband of the informant namely Pramod Chauhan, which ultimately prove fatal. So far as the other accused persons are concerned, omnibus allegation of using lathi/danda to assault the informant's side has been alleged. The last submission is that he is in custody since 28.06.2022 (as stated in para-18 of the petition).

Learned APP opposes the prayer stating that this is a case under Section 302 in which the husband of the informant was assaulted leading to his death.



Taking into account the period of custody as also the fact that omnibus allegation against him has been made, it is Ashok Chauhan on which specific allegation of giving 'Kudal' blow on the head of the informant's husband has been alleged, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Barh P.S. Case No.401 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate,I, Barh, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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