

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2190 of 2023

Arising Out of PS. Case No.-149 Year-2021 Thana- GAUNAHA District- West Champaran

Hare Krishna Chauhan @ Harinarayan Chauhan @ Harekrishna Chauhan S/O
Late Tilak Mahato R/O Village Shrirampur, P.S.- Gaunaha, District-West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Session Case No.613 of 2022 (arising out of Gaunaha P.S. Case
No. 149 of 2021), registered for the offences punishable under
Sections 147, 148, 149, 447, 341, 323, 324, 325 and 307 of the
Indian Penal Code.

As per the prosecution, on the alleged date and time
of the occurrence, while informant was at his door, his
neighbour Ajay Chauhan came and started abusing him due to a



land dispute and when he made protest then petitioner and co-accused persons came and this petitioner gave *farsa* blow on the head of the informant as a result of which he fell down on the ground and thereafter co-accused persons assaulted the informant and his brother which caused injuries to them and in course of treatment, informant's brother died.

The main submissions advanced by the learned counsel Mr. Bimlesh Kumar Pandey appearing for the petitioner are that the petitioner preferred Cr.Misc No.23075 of 2022 for the relief of bail which was rejected by this Court with giving him a liberty to renew his prayer after framing of charge and accordingly, he has again come before this Court after the framing of charge as charge has been framed against him on 17.11.2022 and one co-accused namely Sri Krishna Chouhan carrying similar nature of allegation is on bail vide order passed in Cr.Misc No.6307 of 2022 and the petitioner was alleged to have inflicted a *farsa* blow at the informant and the deceased who happened to be brother of the informant is not stated to have been assaulted by this petitioner and the petitioner has been languishing in jail since 19.01.2022 and his case is at initial stage of trial and he has fair and clean antecedent.

Learned APP Mr. Suresh Prasad Singh appearing for



the State has opposed the bail prayer.

Heard both the sides. Though the allegation appearing against the petitioner from FIR is serious but from the facts that the charge has been framed against the petitioner and he has been languishing in jail since 19.01.2022 and his case is at initial stage of trial and one co-accused is on bail and he has no criminal antecedent, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Session Case No.613 of 2022 (arising out of Gaunaha P.S. Case No. 149 of 2021) on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

murli/-

U		T	
---	--	---	--

