

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32924 of 2024

Arising Out of PS. Case No.-367 Year-2023 Thana- HISUWA District- Nawada

Banwari Chauhan, aged about 70 years (Male), Son of Late Narayan Chauhan, Resident of Village - Garobigha Beldari, P.S.- Narhat, District – Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-07-2024 Let the defect, as pointed out by the office notes dated 25.04.2024, be ignored.

2. This matter has been listed under the heading ‘For Orders (on office notes)’.

3. Heard learned counsel for the petitioner and learned A.P.P. for the State.

4. The petitioner seeks bail in connection with Hisua P.S. Case No. 367 of 2023 dated 12.07.2023 registered for the offence punishable under Sections 302/34 of the I.P.C.

5. As per the prosecution case, on 10.07.2023 at 3.40 o’clock, the informant’s father was sitting near Bhola Mandir, at the same time, the informant also arrived there and asked his father why he was sitting there then his father told that Lakhan



Chauhan and Chaturanand Chauhan were abusing. In the meantime, all accused persons including the petitioner came there with lathi, rod and khanti and started assaulting the informant and his father due to which, his father succumbed to the injury on the place of occurrence.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. The petitioner is an old person and he is suffering from the various old decease. There is land dispute between the parties. It is further submitted that as per the F.I.R., the petitioner and the co-accused persons assaulted the deceased with lathi and rod but from perusal of the postmortem report, it appears that the doctor has opined 'no external injuries found over whole body. Rigor mortise in all four limbs.' It is further submitted that in fact, the deceased fell on the cemented stair of the temple and died as he is also an old aged person. There is no eye witness to the alleged occurrence. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.11.2023.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.



8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Nawada in connection with Hisua P.S. Case No. 367 of 2023.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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