

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80412 of 2024

Arising Out of PS. Case No.-209 Year-2024 Thana- NARDIGANJ District- Nawada

Awadhesh Chauhan @ Maddu Chauhan @ Avadhesh Chauhan S/o- Pragash
chauhan @ Prakash Kumar Chauhan Resident of village- Kujha, P.S.-
Nardiganj, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 87273 of 2024

Arising Out of PS. Case No.-209 Year-2024 Thana- NARDIGANJ District- Nawada

1. Raju Kumar @ Raja Kumar Son of Sharvan Chauhan Resident of Village-
Matihani, P.S.- Nardiganj, District- Nawada
2. Balmiki Chauhan @ Balmiki Kumar S/O Briksh Chauhan @ Ram Briksh
Chouhan Resident of Village- Matihani, P.S.- Nardiganj, District- Nawada
3. Sharvan Chauhan S/O Briksh Chauhan @ Ram Briksh Chouhan Resident of
Village- Matihani, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80412 of 2024)

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

For the Informant : Mr. Rabi Bhusan Prasad No. 1, Advocate

(In CRIMINAL MISCELLANEOUS No. 87273 of 2024)

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

For the Informant : Mr. Rabi Bhusan Prasad No. 1, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-02-2025 Heard Mr. Arjun Prasad, learned counsel for the
petitioners, Mr. Anant Kumar 1 and Mr. Choubey Jawahar,



learned APP for the State in Cr. Misc. No. 80412 of 2024 and Cr. Misc. No. 87273 of 2024 respectively, and Mr. Rabi Bhusan Prasad No. 1, learned counsel for the informant in both the cases.

2. The petitioners seek bail in connection with Nadirganj P.S. Case No. 209 of 2024, P.T.N. 2873 of 2024 instituted for the offences under Sections 121, 121(1), 122, 103 of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution story, in short, is that, all the accused persons including the petitioners beaten the informant's husband to death.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against these petitioners. No specific overt act is alleged against these petitioners. Learned counsel further submitted that there is no independent eye-witness to the alleged occurrence rather the witnesses are only the close relatives of the informant. It has been submitted on behalf of the petitioners that petitioner, namely Awadhesh Chauhan @ Maddu Chauhan @ Avadhesh Chauhan, in Cr. Misc. No. 80412 of 2024 is in custody since 14.07.2024



whereas petitioners in Cr. Misc. No. 87273 of 2024, namely, Raju Kumar @ Raja Kumar, Balmiki Chauhan @ Balmiki Kumar are in custody since 08.10.2024 and petitioner namely, Sharvan Chauhan is in custody since 05.10.2024. Learned counsel further submitted that petitioner in Cr. Misc. No. 80412 of 2024 has no criminal antecedent whereas in Cr. Misc. No. 87273 of 2024, petitioner no. 1 and 3 have one criminal antecedent each whereas, petitioner no. 2 has three criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that all the petitioners are involved in the commission of murder of the deceased and, therefore, they may not be released on bail.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the petitioners and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail, ***after framing of charge, if not already framed,*** on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Nadirganj P.S. Case No. 209 of 2024, P.T.N. 2873 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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