

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88037 of 2024

Arising Out of PS. Case No.-104 Year-2007 Thana- PAKARIBARAW District- Nawada

Rajkumar Chauhan @ Kumar Chauhan Son of Madan Chauhan Resident of
Village -Laxmipur PS -Dhamaul Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 30-04-2025 Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Pakribarawan(OP-Dhamaul) P.S. Case No. 104 of 2007
registered for the offences punishable under Sections
302/34 of the I.P.C.

3. The prosecution case is to the effect that the
informant's father, namely Nandu Yadav, had gone to graze
buffalo; however, he did not return, and thereafter the
informant, along with his brother and uncle, went searching
for him and they saw that around ten to twelve persons were
chasing buffaloes, in which the petitioner was also named.

It was further alleged that on 04.09.2007 they found the dead body of the father of the informant in the water.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, and it was a general and omnibus allegation made against all the accused persons, and that too from mere perusal of the F.I.R., they were seen chasing the buffaloes. He further submits and explains the reason for the delay in approaching the Court that though the case was registered in the year 2007; however, the final form was submitted against him. He further submits that later the learned court below took cognizance of the offence against the petitioner also but despite the issuance of summon and warrant of arrest against him, the same never came to the knowledge of the petitioner, and it would be evident from the perusal of the entire order-sheet, which has been brought on record by way of a supplementary affidavit, that there is no service report of the summon as well as of the non-bailable warrant that was issued against the petitioner.

5. Learned counsel for the petitioner further submits that the court below, all of a sudden after more than

seventeen years of lodging of the F.I.R., issued processes under Sections 82 and 83 of the Cr.P.C, on 26.06.2024 and when the petitioner came to know about the same, he voluntarily surrendered before the court below on 02.08.2024, and since then he is in custody. He further submitted that even from the perusal of the F.I.R., it is evident that there is no eyewitness to the occurrence and he has remained in custody since 02.08.2024.

6. Learned APP for the State vehemently opposes the prayer for bail and has stated that the petitioner has absconded himself in the present case for the last seventeen years; he did not turn up despite cognizance taken against him way back in the year 2008.

7. Considering the facts and circumstances and taking into account the fact that the case is of the year 2007, and from perusal of the order-sheet, it is evident that there is no service report of the summon as well as the warrant of arrest which was issued against the petitioner. It is clear that the petitioner was not aware of such issuance of summons and non-bailable warrant of arrest. Taking the aforesaid fact into account as well as the fact that the petitioner is in

custody since 02.08.2024, let the petitioner, above named, 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 court of learned Judicial Magistrate-1st Class, Nawada, in connection with Pakribarawan(OP-Dhamaul) P.S. Case No. 104 of 2007.

(Sourendra Pandey, J)

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