

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86947 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- MIRGANJ District- Gopalganj

Shanker Chauhan @ Sanker Chauhan Son of Late Jadu Chauhan Village-
Khushiya Chhapar, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 21-03-2025 Heard Mr. Raghav Prasad, learned counsel for the

petitioner and Mr. Sanjay Kumar Tiwary, learned APP for the

State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Section 302/24 of
the Indian Penal Code.

3. The case of the prosecution is that on 19.10.2023 at
18:30 hours, when the informant was at his house, he heard
noise and went towards the noise and found that before the door
of Shanker Chauhan his son Sudu Chauhan aged about 19 years
was found pool of blood in a *chauki* and Shanker Chauhan (the
petitioner) was standing there having a *knife* in his hand. His
brother Shambhu Chauhan was also there who was having
pistol.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that from the FIR itself, it transpires that there is no eye witness of this case. Nobody has seen the occurrence. It is also submitted that in FIR, it is clear that the dead body of the deceased was found in pool of blood but in inquest report, there is no such entry that blood was found at the place of the occurrence. It is further submitted that the petitioner is languishing in judicial custody since 21.10.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submits that in para-7 one witness has stated that he has seen the petitioner fleeing away from the place of occurrence and he was having a knife and knife was recovered from his possession. It is also submitted that the dead body was found before the door of this petitioner. It is alleged that he has killed the son of the informant. From perusal of the postmortem report, it also transpires that the death was caused due to sharp cut injury. The petitioner was arrested with knife and knife was recovered from his possession.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



not inclined to enlarge the petitioner on bail at this stage, and as such, his prayer for bail stands rejected.

7. However, the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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