

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37162 of 2021

Arising Out of PS. Case No.-236 Year-2018 Thana- CHAND District- Kaimur (Bhabua)

1. VIJAYEE CHAUHAN @ VIJAY CHAUHAN S/O RAMJANM CHAUHAN R/o village - Chanda, P.S.- Chand, District- Kaimur at Bhabua
2. SUBHASH CHAUHAN S/O LAKSHAN CHAUHAN R/o village - Chanda, P.S. - Chand, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

The informant alleges that his brother Pramod Kharwar was working at Gujarat and he came to his village and was staying at Shrawan Chauhan's house. It is alleged that Arun Kharwar the younger brother of the informant went to the house of Shrawan Chauhan for taking Pramod Kharwar to his house on which Shrawan Chauhan said that he will stay in his house. It



is alleged that on 14.11.2018, in the morning, at about 06:00 a.m., Narayan Chauhan had gone near the well of Sri Ram Chauhan for taking water and saw the dead body which was of Pramod Kharwar the brother of the informant. Accordingly, it is alleged that the named accused persons including the petitioner killed the brother of the informant.

Learned counsel for the petitioners further submits that the police after investigation of the case submitted final form in favour of the petitioners but the learned court below differing with the police report took cognizance. It is next submitted that the investigating agency, after carrying threadbare investigation, came to a considered conclusion that petitioner is innocent but the learned court below without appreciating the facts in correct perspective has taken cognizance for the offence under Section 302 read with other allied sections of the Indian Penal Code.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners and the police after investigation submitted final form in favour of the petitioners, the petitioners above-named, in the event of their arrest or surrender before the



learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chand P.S. Case No. 236 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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