

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40182 of 2017

Arising Out of PS.Case No. -126 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Chandan Kumar @ Bhola Rai Son of Late Durga Rai Resident of
village/Mohalla- Mohanpur, Police Station- Samastipur (Mufassil), District-
Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 13-11-2017 Learned counsel for the informant is permitted to file
welfare stamp during course of the day.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Samastipur
(Muffasil) P.S. Case No. 126 of 2017 for offences punishable
under Sections 341, 323, 379, 384, 504, 506, 34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he was sitting in his automobile service centre, namely,
Satyashyam Automobile Service Centre, three named accused



persons including the petitioner came there and demanded rangdari. They assaulted the informant, who fled away in his godown and the miscreants took away Rs. 60,000/- cash from the chest.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and the informant is himself a criminal and on inimical terms with the petitioner. He submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and petitioner is languishing in judicial custody since 03.05.2017. It is further submitted that another co-accused, namely, Babloo Kumar @ Dabala @ Dablu has been granted privilege of bail by this Court in Cr. Misc. No. 36114 of 2017 on 24.08.2017 on similar allegations.

However, learned counsel appearing for the informant, who has filed counter affidavit, submits that the petitioner does not have a clean antecedent and as many as two cases of similar nature are pending against him earlier. He further submits that although those cases have been filed by the informant only but the



petitioner has looted Rs. 60,000/- from the cash counter, hence, opposed the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 126 of 2017, subject to the conditions that

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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