

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44438 of 2017

Arising Out of PS.Case No. -171 Year- 2015 Thana -RAJPUR District- EASTCHAMPARAN(MOTIHARI)

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Chandan Kumar Singh Son of Sita Ram Singh Resident of Village-Naraha,
P.S.-Rajepur, District-East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-09-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Rajepur P.S. Case No. 171 of 2015 registered for the offence punishable under Sections 397 of the Indian Penal Code and added Section 395 I.P.C.

Learned counsel for the petitioner submits that the First Information Report was lodged against unknown 15-20 persons who are said to have committed the alleged offence. In course of investigation, on the basis of the confessional statement of the co-accused, name of this petitioner transpired and the police identified with the help of the informant.

Learned counsel submits that there is no



allegation of firing against this petitioner and in the impugned order, it has come that one Suresh Rai had allegedly fired. It is further submitted that similarly situated accused Shyam Sundar Paswan and Arun Sahani have been granted regular bail by a coordinate Bench of this Court in Cr. Misc. No. 24832/2017 and Cr. Misc. No. 41556/2017.

Learned Additional Public Prosecutor for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances particularly that there is no allegation of firing against this petitioner and two other co-accused have been granted regular bail by a coordinate Bench of this Court, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate Sadar, East Champaran at Motihari, in connection with Rajepur P.S. Case No. 171/2015, subject to conditions which has been imposed in respect of the co-accused which are noted hereunder : -

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.



(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(iv) If in future, his active participation is found in any similar type of case, his bail bond shall automatically be cancelled.”

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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