

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57958 of 2019

Arising Out of PS. Case No.-21 Year-2011 Thana- PHENHARA District- East Champaran

Chandeshwar Das Son of - Jagarnath Das Resident of Village- Bokane Kalan
(Mishara Tola), P.S.- Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends his arrest in connection with
Phenhara P.S. Case No. 21 of 2011 registered for the offence
punishable under Sections 147, 148, 149, 435 of the Indian
Penal Code and Section 17 of C.L.A. Act.

Tower of Airtel company is said to have been
torched by 40-50 unknown miscreants in the night, resultantly,
several instruments of the said tower were damaged.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.
He is not named in the FIR. There is nothing cogent
incriminating material in the case diary to indicate complicity of



the petitioner in the occurrence barring confessional statement of co-accused Rudal Sahni and Sikandar Choudhary, which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent. Similarly situated co-accused, namely, Raj Kumar Puri has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.09.2019 passed in Cr. Misc. No. 57595 of 2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Motihari in connection with Phenara P.S. Case No. 21 of 2011, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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