

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66962 of 2019

Arising Out of PS. Case No.-53 Year-2011 Thana- TANDWA District- Aurangabad

Chotu Kahar @ Lav Kumar Chandrabanshi @ Binod Kumar @ Bindo Jee,
Male, aged about 39 years, Son of Sita Ram Kahar @ Sita Ram
Chanderwanshi @ Sitaram Singh, Resident of Village-Chiraili, P.S.-
Nabinagar, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No.12 of 2019/05 of 2019 arising out of Tandwa P.S. Case
No. 53 of 2011 registered for the offences punishable under
Sections 147, 148, 149, 353, 427, 307/149 of the Indian Penal
Code, Section 27 of the Arms Act, Section 3/4 of the Damage of
Public Property Act and Section 17 of the CLA Act.

The allegation is that the F.I.R. named accused
persons including the petitioner along with 400 unknown
extremists have encircled the Police Station and made
indiscriminate firing on the police force with an intention to kill
them and to loot and also damage the government property.



It has been submitted on behalf of the petitioner that the petitioner is in jail custody since 04.09.2018 and the charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. Altogether 16 persons are named in the F.I.R. including the petitioner. No specific allegation has been made. General and omnibus allegation has been made against the petitioner. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail passed in Cr. Misc. No.22419 of 2019 dated 11.04.2019, Cr. Misc. No.32534 of 2016 dated 29.09.2016 and Cr. Misc. No.57177 of 2017 dated 13.12.2017.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, Auragabad in connection with Sessions Trial No.12 of 2019/05 of 2019 arising out of Tandwa P.S. Case No. 53 of 2011, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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