

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3024 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- NAUGACHIA District- Bhagalpur

Chandan Kumar, Son of Late Ishwari Rajak, Resident of Professor Colony,
Mumtaz Mohalla - Naugachia, P.S.- Naugachia, Distt – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in connection with
Naugachiya P.S. Case No.189 of 2019, registered for the offence
punishable under Section 363/365 of the Indian Penal Code and
subsequently Section 302, 201/34 has been added.

The prosecution story in brief is that there was money
transaction between the son of the informant and one Fulwa Roy
and on the date of occurrence, i.e., on 14.06.2019, the son of the
informant had gone outside his house and told his wife that he
would return after some time but he did not return.

Mr. Amrendra Kumar, learned counsel appearing for
the petitioner submits that the petitioner is not named in the FIR
and he has falsely been implicated in this case due to oblique



motive. Learned counsel further submits that during the course of investigation, some hearsay witnesses have stated that some villagers had seen the victim along with Fulwa Roy and this petitioner. Learned counsel further submits that co-accused Fulwa Roy and another co-accused Dilkhush Kumar has been granted anticipatory bail by learned Court below vide ABP No.264 of 2019. Learned counsel further submits that the charge-sheet has been submitted against the petitioner in this case and the petitioner is in custody since 17.06.2019 and there is no possibility of absconding the petitioner and tempering with the evidence.

On the other hand, learned counsel appearing for the State opposes the prayer for regular bail and submits that the witnesses have stated that the petitioner along with other co-accused persons were seen going towards the place of occurrence with deceased son of the informant.

After having heard learned counsel for the parties and taking into consideration the fact that the charge-sheet has been submitted in this case and there is no possibility of petitioner being absconding and tempering with the evidence and co-accused persons have been granted bail by the learned Court below itself and the petitioner is in custody since 17.06.2019, I am inclined



to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 3rd, Naugachia, Bhagalpur, in connection with Sessions Trial No. 652 of 2019 arising out of Naugachiya P.S. Case No.189 of 2019, with following conditions :-

(1) one of the bailors should be local people having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anil Kumar Sinha, J)

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