

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13729 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- NAVINAGAR District- Aurangabad

BADAL CHANDRAVANSHI, S/O Kameshwar Chandravanshi, R/o Village Chandragadh (Shankarpur), Tilhapur, P.S. - Nabinagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-06-2020 This case has been heard through Video Conferencing.

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

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/379/34 of the Indian
Penal Code.

The prosecution story as alleged in the FIR in brief is
that the informant Gulzan Ansari gave a written report to the
SHO, Nabinagar on 25.10.2019 stating therein that on
13.10.2019 he saw that the tempo of his brother Saddam Ansari
was standing on the road and some people were beating to his
brother by fists and slap, leg etc. He saw three persons and one
another persons who were instructing him to go and see one
Miyaji has been brutally beaten. The battery of the tempo would



be sold by them. When he went to see the victim person, he found that his brother has been beaten and thrown. He brought his brother at home. When his brother Baitha and Shakti Chandrabanshi stopped him tempo and snatched Rs.2000/-. Thereafter five persons beaten him. Thereafter his brother was brought to Aurangabad, next day again he was brought to Dehri-on-Sone. Again he was brought Aurangabad in Health World. But on 18.10.2019 he succumbed to his injuries. Again, the informant thought that a case is necessary and hence after 07 days later of death he lodged the FIR.

It has been submitted on behalf of the petitioner that the petitioner is innocent person and he has committed no offence at all, rather he has falsely been implicated in this concocted case. The deceased was a tempo driver. He was going to his home in the night in harsh speed. He pushed the petitioner by his tempo and made more speed, so due to rash driving his tempo fallen into a ditch. He injured himself and the local people brought him out from the ditch (Gadha). But the petitioner also got injury and hand fractured. He was admitted to Govt. Hospital later on his operation of the broken hand was done by Dr. Suresh Kumar Suman. The deceased was brought to his house by the people. When his brother came to now, who



was also a tempo driver, he firstly thanked all the persons and started treatment of his brother. After during the course of his treatment his brother succumbed to his injuries. It has been further submitted that the informant never made any allegation during treatment to any one. Not even this he did not make any complaint before the police after the death of his brother. But after 12 days and 07 days later from death informant lodged this concocted case. There is no eye witnesses to the alleged occurrence and there is no specific overt act against the petitioner. The petitioner is in custody since 29.12.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case.

Learned APP has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Nabinagar P.S. Case No. 295 of 2019 to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, 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 as 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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