

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14193 of 2020**

Arising Out of PS Case No.-244 Year-2019 Thana- MADANPUR District- Aurangabad

=====

Chandan Kumar, aged about 30 years (Male), Son of Ashok Singh, Resident
of Village- Mohmadpur, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the State : Mr. Bharat Lal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 05-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Ms. Vaishnavi Singh, learned AC to Mr. Ajay
Kumar Thakur, learned counsel for the petitioner and Mr. Bharat
Lal, learned Additional Public Prosecutor (hereinafter referred to
as the ‘APP’) for the State.

3. The petitioner is in custody in connection with
Madanpur PS Case No. 244 of 2019 dated 18.11.2019 instituted



under Sections 302 and 120B of the Indian Penal Code and 27 of the Arms Act.

4. The petitioner, along with others, is accused of killing the deceased, who was a brick kiln owner.

5. Learned counsel for the petitioner submitted that as per the FIR, three persons had come in the office of the deceased and had fired resulting in his death and it has been stated that there were some persons outside the office also. It was submitted that later on Ajit Yadav is said to have been caught and he confessed that he, along with Rahul Yadav and Vikash Yadav were the persons who had entered the office of the deceased and fired on him and the petitioner is only said to have been present outside, but no overt act is alleged against him. It was submitted that the petitioner does not have any criminal antecedent and is in custody since 22.11.2019. It was further submitted that similarly situated co-accused Rajiv Kumar Singh @ Rajiv Kumar Sinha @ Rajiv Lal @ Kajal @ Kajal Sinha has been granted bail on 31.01.2020 in Cr. Misc. No. 5018 of 2020, whereas Arun Singh @ Arun Kumar Singh and Birendra Yadav have been granted anticipatory bail on 22.01.2020 in Cr. Misc. No. 2961 of 2020 and Cr. Misc. No. 4029 of 2020, respectively.



6. Learned APP submitted that the co-accused has confessed and has taken the name of the petitioner. However, he was not in a position to controvert the submissions made by learned counsel for the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Madanpur PS Case No. 244 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

AFR/NAFR	
U	
T	

