

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27928 of 2020

Arising Out of PS. Case No.-259 Year-2019 Thana- RAGHOPUR District- Supaul

KANCHAN KUMAR @ KANCHU S/o Narayan Yadav Resident of Village-
Koriyapati, Police Station-Raghopur, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Ms Meena Singh, APP is appearing as it is submitted that the brief has been allotted to her by the Office of Advocate General.

The petitioner seeks bail in Raghopur Police Station (for brevity, *PS*) Case No 259 of 2019 instituted for the offence



punishable under Sections 302, 120B of Indian Penal Code.

There is allegation in the First Information Report (for brevity, *FIR*) that the informant received information that his son was lying unconscious on the road. The son is said to have sustained single injury on his head and due to suspicion based on threatening meted out to the son earlier, the FIR has been lodged.

Learned counsel for the petitioner submits that in the investigation, a love affair of deceased with daughter of co-accused Lalit Yadav has been suggested as being the cause of the son having been beaten/dashed by the motorcycle repeatedly by the accused persons including the petitioner. The petitioner has no concern with Lalit Yadav. The name of the petitioner has been brought on record in the investigation twenty days after FIR was lodged. In the FIR, petitioner was not named. FIR was also lodged on 04.12.2019 whereas the occurrence is said to have taken place on 01.12.2019. Petitioner has no criminal antecedent and unlike the other co-accused, the petitioner has no connection with Lalit Yadav. He is now in custody since 24.02.2020 and after completion of investigation, charge sheet has been submitted long back on 20.05.2020.

The learned APP for the State has opposed the prayer



for bail. It is submitted that the petitioner is one amongst the other co-accused persons who is said to have repeatedly dashed the victim with the motorcycle and beaten him and, therefore, the petitioner does not deserve the privilege of bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Birpur (Supaul) in Raghapur PS Case No 259 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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