

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.87032 of 2019

Arising Out of PS. Case No.-300 Year-2018 Thana- RANIYATALAB District- Patna

CHANDAN KUMAR @ SUNIL KUMAR Son of Krishna Yadav @ Nanhak
Resident of Village-Raghunathpur, Mathiya Tola, P.S.-Rani Talab, District-
Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 25-06-2020 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner in the present case is seeking
regular bail in connection with Rani Talab P.S. Case No.
300 of 2018 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
although the case was initially registered under the
provisions of Section 302/34 IPC but after investigation the
Police has submitted a chargesheet under Section 306 IPC
only.

Pointing out the observations of this Court while
rejecting the prayer for anticipatory bail of the petitioner on



20.08.2019 in Cr. Misc. No. 41846 of 2019, learned counsel submits that this Court had noticed the fact that in course of investigation the informant himself has stated that his daughter had committed suicide.

Learned counsel submits that in course of investigation the statement of informant has been recorded by the I. O. in paragraph '7' of the case diary wherein he has stated that on the saying of somebody he had lodged the complaint case in the court giving rise to the present case even though earlier a U.D. case was registered and the informant has further stated that he was not having good mental condition at the time of lodging of the FIR.

It is stated that the petitioner has remained in custody for seven months by now.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, the material coming in the case diary and the statement of the informant that he has lodged the case at the instance of somebody without knowing the truth and that he was not having good mental condition as also that Police



has filed chargesheet only under Section 306 IPC and at this stage further custody of the petitioner is niether likely to aid in investigation nor help the prosecution, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri P. K. Malviya, Judicial Magistrate, Ist Class, Danapur, Patna in connection with Rani Talab P.S. Case No. 300 of 2018, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, oft he commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

