

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21580 of 2021

Arising Out of PS. Case No.-447 Year-2019 Thana- BIDUPUR District- Vaishali

Chandan Kumar @ Chandan Kumar Singh S/O Late Dineshwar Singh R/O
Village- Teliya (Telia), P.S.- Rajapakar, District- Vaishali At Hajipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Bidupur P.S. Case
No. 447/2019 registered for the offence punishable under Sections
384, 307, 386 of the Indian Penal Code and Section 27 of the Arms
Act.

Allegation against the petitioner is that petitioner along with
co-accused *Kunal Kumar Singh* fired upon the informant by their
pistols with an intention to kill him which caused fire arm injury over
the informant's soldier and both thighs. It is also alleged that both the
accused persons are used to demand two lakh rupees as ransom from
the informant's son and in this regard the informant has given written



information to *Bidupur*, S.H.O. and B.D.O. It is also alleged that seeing the villagers coming both the accused persons fled away from the place of occurrence and the informant is admitted to P.M.C.H., Patna for further treatment.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that similarly situated co-accused person namely *Kunal Kumar Singh* has been granted bail *vide* order dated 07.09.2020 in Cr. Misc. No. 16041/2020 but in the said order it is mentioned that “*there is no description of the injury report*”, which is not correct and is falsely submitted as in the impugned order it is mentioned that both the accused persons including the petitioner, have been levelled accusation of demanding two lakh from informant’s son as *rangdari* and are also alleged to open fire by pistol over the informant. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner possess seven criminal antecedents as has been mentioned in para 3 of this bail application and has been languishing in custody since 16.05.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor Court in connection with Bidupur P.S.
Case No. 447/2019 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the 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 and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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