

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30259 of 2021

Arising Out of PS. Case No.-641 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Chandan Kumar Son Of Dipak Kumar Singh Resident of Village -
Baswakuari, P.S.- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anju Kumari

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Hajipur Sadar P.S. Case No. 641 of 2020, registered for the offence under Section 307, 120-B of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the FIR named accused namely Randhir Kumar always used to call informant with regard to purchase of land, on which, the informant did not pay attention and later on, it is alleged that two unknown miscreants, having covered their face by mask, gave gun shot injury to the informant on his right shoulder & left side of waist and thereafter, both accused fled away from there. During course of investigation, co-accused Randhir Kumar was arrested and he, in his confessional statement, disclosed the name of petitioner, as one of the miscreants, who fired upon the informant.



It is submitted on behalf of petitioner that petitioner is not named in the FIR and he has been made accused on the confessional statement of co-accused Randhir Kumar, who has already been granted bail by the learned court below itself, vide order annexed, as Annexure 2 to the petition. Save & except confession, there is no tangible material against this petitioner to show his complicity in the aforesaid crime. Till date, petitioner has not been put on the Test Identification Parade. It is further submitted that there is delay of nine days in lodging the FIR. Petitioner is in custody since 17.12.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 641 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the



court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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