

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37868 of 2021

Arising Out of PS. Case No.-215 Year-2016 Thana- SAHEBGANJ District- Muzaffarpur

CHANDAN KUMAR PASWAN @ CHANDAN KUMAR S/O Ramjanam
Pswan Resident of Village /Mohalla Ratan Saraiya, Balua Tola, P.S. - Barouli,
District Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Adv

For the Opposite Party/s : Ms. Menna Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Sahebganj
P.S. Case No. 215 of 2016 registered under Sections 394 and
302 of the Indian Penal Code.

Informant's brother has been beaten brutally
ultimately causing death in the course of treatment, while he
was returning from 'Jiwika' where he used to work.

Learned petitioner's counsel submits that between



the deceased and one female co-worker, there was some relationship and it has emerged in investigation that the instant petitioner and one co-accused Vikash Giri were hostile to such relationship and in furtherance of common intention they have killed the informant's brother. The submission is that the prosecution case is far-fetched and nothing has emerged to sustain the theory that the petitioner had participated in killing of the informant's brother. Motive, if at all, has also not emerged, as the affair or intimacy was between the deceased and female co-worker with whom no relationship of the petitioner has emerged at the investigation. The informant has implicated others also on extraneous considerations and co-accused Awadhesh Prasad has been allowed bail in Cr. Misc. No. 43820 of 2017. Having no criminal antecedent, the petitioner is in custody since 19.02.2021.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge 16th Muzaffarpur in Sahebganj P.S.
Case No. 215 of 2016, 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.

(Madhuresh Prasad, J)

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