

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3001 of 2022

Arising Out of PS. Case No.-578 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Chandan Kumar, Son of Jay Prakash Ray @ Shiv Chandra Ray, R/O Village-
Maruaha, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Muzaffarpur Sadar P.S. Case No. 578 of 2021,
registered for the alleged offences under Sections 395 and 397
of the Indian Penal Code.

As per prosecution case, a truck loaded with mustard
oil was looted by the unknown dacoits. During investigation, the
name of the petitioner surfaced as one of the accused persons
who was involved in the crime.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and he has been made accused merely on the basis of confessional statement of co-accused Neeraj Kumar. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person/possession of this petitioner. The petitioner is in custody since 26.08.2021 and is having clean antecedent. The charge sheet has been submitted. A number of co-accused persons have been granted bail by a Coordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No.3144 of 2022 and its analogous cases. The learned counsel further submits that vide order dated 22.11.2022, the petitioner was granted provisional bail till 08.12.2022 and he has already surrendered before the learned court below on completion of provisional bail period. The learned counsel further submits that today a supplementary affidavit bringing on record his surrender certificate is being filed in compliance of the order dated 22.11.2022.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made here-in-above and considering the fact that no recovery has been shown from this petitioner and there appears no substantive material to connect the petitioner in the



crime as alleged and further considering the period of custody of the petitioner and submission of charge sheet along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 578 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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