

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5415 of 2022

Arising Out of PS. Case No.-498 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Chandan Gupta @ Chandrabhushan Kumar, S/o Vijay Sah, R/o village-
Uttarwari Pokhra, P.S.- Kaligabh O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the State	:	Md. Shakir Ahmad, APP
For the Informant	:	Mr. Akhileshwar Kr. Srivatava, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 11-08-2022 It has been pointed out that in the third paragraph of the order dated 18.07.2022, inadvertently it has been mentioned as 'List this case on 20.06.2022' in place of 'List this case on 20.07.2022'.

Let 'List this case on 20.06.2022' mentioned in the third paragraph of the order dated 18.07.2022 be read as 'List this case on 20.07.2022'.

Accordingly, the order dated 18.07.2022 stands modified to the aforesaid extent only.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the Informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in



connection with Bettiah (Town) P.S. Case No. 498 of 2020, registered for the alleged offences under Sections 364, 365, 386, 302, 201, 120 B/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant was kidnapped and assaulted by the co-accused and later on his dead body was recovered. The name of the petitioner transpired during investigation in the confessional statement of co-accused Ratnesh Mishra.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Except for confessional statement of co-accused, there is nothing against this petitioner. The informant claims herself to be an eye witness to the occurrence, but she did not name this petitioner, though they belong to the same locality. The prosecution case is also not believable as the informant claims herself to be an eye witness and the son was kidnapped before her, but she registered the FIR only after the dead body of his son was recovered. The deceased was himself a man of bad character and criminal background and was having several enemies, so he could be the victim of any of his enemies. The learned counsel further submits that the co-accused Ratnesh Mishra, who named this petitioner in this case,



has been granted bail by a Coordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc. No.19565 of 2021. The another co-accused Jitendra Kumar has also been granted bail by a Coordinate Bench of this Court vide order dated 07.07.2022 passed in Cr. Misc. No.15233 of 2022 and the case of this petitioner stands on better footing. The charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2021.

Learned APP as well as learned counsel for the informant opposes the prayer for bail submitting that it was a heinous crime in which the son of the informant was brutally murdered and the post mortem report shows 84 injuries on the body of the deceased. Though the bail has been granted to co-accused Jitendra Kumar, but it has been directed by the Coordinate Bench of this Court that the co-accused Jitendra Kumar would be released on bail after framing of the charge.

Perused the records.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the fact that there is hardly anything of substance against this petitioner on record except for the confessional statement of the co-accused Ratnesh Mishra, who has already



been granted bail and also considering the submission of charge sheet and the period of custody of the petitioner, he 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, Bettiah, West Champaran, in connection with Bettiah (Town) P.S. Case No. 498 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

