

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9836 of 2022

Arising Out of PS. Case No.-347 Year-2021 Thana- BIHAR District- Nalanda

CHANDAN KUMAR @ CHANDAN PASWAN S/o Krishna Paswan R/o
village- Belsar, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv.
	:	Mr. Satya Ranjan Sinha, Adv.
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bihar P.S.
Case No.347/2021 registered for the offences punishable under
Sections 420, 379, 341, 323/34 of the Indian Penal Code.

As per prosecution case, the informant case is typed
petition alleging therein that on 07.06.2021 at about 9.00 am, he
arrived at Biharsharif Railway Station by Shramjeevi Express
and was shifting Tempoo for going to home at Pawapuri. In the
meantime, one boy came and told that he has to go to Nawada
and offered the informant to board in his vehicle and he will



drop him at Pawapuri. When they departed from the Railway Station and stopped his vehicle between Baburbanna and Pichasa Chauk. Two persons were sitting in the vehicle from before, one of whom was near the driver and another was sitting with the informant in middle seat. All the three persons took the informant out of vehicle and started assaulting him and snatched mobile phone and one ATM Card and got Pin number of ATM by assaulting him and they went towards Harnaut on vehicle. Thereafter, he went to S.B.I. Branch near Sohsarai P.S. and enquired about bank account, he came to know that Rs.1,10,500/- has illegally been withdrawn from his bank account.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named FIR and except his confessional statement, there is no other evidence against the petitioner. No incriminating articles has been recovered from the possession of the petitioner and no T.I. Parade was conducted. He further submits that the petitioner is languishing in custody since 26.06.2021 and bears criminal antecedent of four cases in which he is on bail. The petitioner was not apprehended on the spot. Charge sheet has been submitted in this case and there is



no likelihood of tampering with the prosecution evidence. Co-accused, Gulshan Kumar has been granted provisional bail by the co-ordinate Bench of this Court vide Cr. Misc. No.9234/2022 and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nature of allegation, period of custody, charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No.347/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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