

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 41772 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- BARAUNI District- Begusarai

CHANDAN KUMAR Son of Ashok Bhagat Resident of Village- Bagdov,
P.S.- Nayagaon, District- Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Krishna Kumar Tiwary, Advocate

For the Opposite Party/s : Mr Suresh Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 12-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Barauni (FCI OP) Police Station (for brevity, *PS*) Case No 11 of 2020 instituted for the offence punishable under Section 394 of Indian Penal Code.

The petitioner had earlier moved for grant of bail in Cr Misc No 23503 of 2020 which was rejected by this Court on 15.09.2020. Having moved the Court of Additional Sessions Judge XIV, Begusarai, the petitioner has faced rejection of his prayer for bail under order dated 01.02.2021 and has, therefore, renewed his prayer for bail before this Court.

Allegation is that three persons came to the petroleum



dealership. They indulged in loot and assault by means of butt of pistol on the head of the informant.

Learned counsel for the petitioner reiterates his submission advanced that day regarding petitioner's identification being doubtful. He further submits that the petitioner is in custody since 16.01.2020, i e, about two years.

In the circumstances, this Court had called for a report from the trial Court regarding the stage of trial. It is reported by the Court of Judicial Magistrate, 01st Class, Begusarai in its report dated 20.12.2021 that after framing of charge, the case is running for prosecution evidence and summons and bailable warrants have been issued against the chargesheeted witnesses. However, no witness has turned up on behalf of the prosecution.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in Barauni FCI OP PS Case No 11 of 2020 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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