

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17995 of 2021**

Arising Out of PS. Case No.-126 Year-2019 Thana- BIND District- Nalanda

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UMANAND PRASAD @ UMANANDAN PRASAD SON OF LATE SHIV
MAHTO @ LATE SHIVSHANKAR MAHTO R/O VILLAGE-
MOHADDIPUR, P.S.- BIND, DISTRICT- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21196 of 2021

Arising Out of PS. Case No.-126 Year-2019 Thana- BIND District- Nalanda

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CHANDRASHEKHAR KUMAR @ KARU @ SHASHI SEKHAR KUMAR
SON OF SADHU SHARAN PRASAD @ SADHU SHARAN MAHTO R/O
VILLAGE- MOHADDIPUR, P.S.- BIND, DISTRICT- NALANDA, BIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 17995 of 2021)

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.A.G

(In CRIMINAL MISCELLANEOUS No. 21196 of 2021)

For the Petitioner/s : Mr.Vishal Vikram Rana

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-02-2022 Heard Mr. Pankaj Kumar, the learned Advocate in

Cr. Misc. No. 17995 of 2021 and Mr. Vishal Vikram Rana ,

the learned Advocate in Cr. Misc. No. 21196 of 2021. The

State is represented by the learned APP.

The petitioners in the both the applications, seek



bail in anticipation of their arrest in connection with Bind P.S. Case No. 126/2019 instituted for the offence under Sections 147, 149, 323, 341, 302, 307, 504, 506 and 509 and 34 of the Indian Penal Code.

The informant is the wife of the deceased, who has alleged that both the petitioners and others had come looking for her husband and when they did not find him there in the house, they assaulted her. Later, the accused persons spotted the husband of the informant in a field and three accused persons, namely, Rajiv Ranjan Kumar, Prem Kumar and Chandrashekhar Kumar (the petitioner in Cr. Misc. No. 21196 of 2021) assaulted the deceased leading to his death.

It has been urged on behalf of the petitioners that during the course of investigation, no definite / tangible evidence could be collected against them and, therefore, they were not sent up for trial. One co-accused, namely, Nande Chaudhary was charge-sheeted.

However, differing with the police report, cognizance has been taken against the petitioners in both the



applications as well.

It appears from the order of cognizance dated 22nd of September 2020 that in paragraphas 56, 82 and 83 of the case diary, it was noted that Chandrashekar Kumar (the petitioner in Cr. Misc. No. 21196 of 2021) had been running an electronic shop in the Biharsharif where he normally resided whereas the petitioner in Cr. Misc. No. 17995 of 2021 was the owner of the tractor who had taken away his vehicle at the time of an earlier dispute between the parties and, therefore, both of them along with one Prem Kumar were named in the F.I.R.

The accused who was initially charge-sheeted, namely, Nande Chaudhary has been granted regular bail by the court below.

So far as the petitioners are concerned, except for their being named in the F.I.R. and against petitioner Chandrashekhar Kumar @ Karu @ Shashi Shekhar Kumar, who is alleged to have assaulted the deceased along with two other persons, no other tangible material could be collected during the course of investigation.



The learned counsel for the petitioners has submitted that no good reason has been assigned by the court below for differing with the police report.

Taking into the account the afore-noted facts, case diary was called for in both the cases and the petitioners in both the applications were granted provisional bail. There is nothing in the case diary which could indicate otherwise.

Considering the afore-noted submissions on behalf of the petitioners, the provisional bail granted to the petitioners vide order dated 10.01.2022 and 12.01.2022 respectively are confirmed. They shall remain on the same bail bonds.

However, the petitioners in both the applications are directed to participate in the trial and in case of their consecutive absence on two days from trial proceedings, it would be open for the informant or the investigator or for the Trial Court to proceed for cancellation of bail of the petitioners.

In case the petitioners are found to be



tampering with the evidence or intimidating the witnesses of this case, that shall also be a ground for the Court to proceed immediately for cancellation of bail bonds of the petitioners.

The applications are allowed with the aforesaid direction / observation.

(Ashutosh Kumar, J)

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