

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13359 of 2022

Arising Out of PS. Case No.-288 Year-2017 Thana- BIKRAMGANJ District- Rohtas

Chandan Chaudhary @ Chandan Kumar, aged about 23 years, Gender- Male,
S/o Ajay Chaudhary, R/o village- Jamuaon, P.S.- Sandesh, District- Bhojpur at
Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate
For the State : Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Ravi Nandan, learned counsel appearing on
behalf of the petitioner and Dr. Indihar Kumari, learned APP for
the State.

Petitioner, who is in custody since 13.09.2021, seeks
regular bail in connection with Bikramganj P.S. Case No. 288 of
2017 dated 22.09.2019 registered for offences punishable under
Sections 302, 201, 120(B) of the Indian Penal Code and
Sections 27 of the Arms Act.

Prosecution story in brief is that two dead bodies were
found thrown by the side of the road. The dead bodies of the
deceased were identified by their fathers namely Ashok Yadav
and Birendra Kumar Pandey. Petitioner was last seen along with
the deceased.



Learned counsel appearing on behalf of the petitioner submits that due to enmity, petitioner has been made accused in the present case. There is no eye-witness to the alleged incidence of murder nor there is any circumstantial evidence to connect the present petitioner to have participated in the murder of the deceased persons. Merely on suspicion, the petitioner has been implicated in the present case on the basis of statement of the father of one deceased (Sunil Kumar). He further submits that other co-accused person namely Dhanji Yadav has already been released on bail by a co-ordinate Bench of this Court vide order dated 05.03.2020 passed in Criminal Miscellaneous No. 74113 of 2019, Rohit Kumar Singh @ Rohit Singh has already been released on bail by a co-ordinate Bench of this Court vide order dated 27.05.2021 passed in Criminal Miscellaneous No. 9686 of 2021 and Bishwajeet Paswan @ Vishwajit Paswan has already been released on bail by a co-ordinate Bench of this Court vide order dated 29.11.2019 passed in Criminal Miscellaneous No. 77869 of 2019. Petitioner is in custody since 13.09.2021.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having considered the rival submissions of the



parties, FIR is against unknown lodged by the *chaukidaar* of the village. No material has come in course of investigation to connect the present petitioner along with the other co-accused or any material has been brought on record from which it could be established that the petitioner has committed murder of the deceased namely Sunil Kumar and Vivek Kumar Pandey @ Bhola. Other similarly situated co-accused persons have already been released on bail by a co-ordinate Bench of this Court. Prima facie I am of the opinion that petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj in connection with Bikramganj P.S. Case No. 288 of 2017 dated 22.09.2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(vi) The petitioner will make his attendance before the concerned police station under which his house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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