

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18877 of 2022

Arising Out of PS. Case No.-196 Year-2019 Thana- SAKRI District- Madhubani

Chandan Chaudhary, S/O Raj Kumar Chaudhary Resident Of Village -
Anyaypur, P.S. Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 28-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Sakri

P.S. Case No. 196 of 2019, registered for the offences

punishable under Sections 392 and 302 of the Indian

Penal Code and 25(1-b)a/27 Arms Act/

The prosecution case as emerging from the FIR

is that when the informant's son namely, Dhananjay

Kumar was going to the Bank for depositing an amount of

Rs. 6,00,000/-, and when he reached near Raiyam Sugar



Mill, three unknown miscreants came there and fired shot at him, as a result of which, he sustained fire-arm injury. Thereafter, he was taken to hospital where the doctor declared him dead.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the FIR has been lodged against the unknown person and there is no material collected during the course of investigation, which connect the petitioner with the alleged offence. He also submits that charge-sheet has already been submitted, but there is no cogent material against him. He further submits that similarly situated co-accused Rakesh Kumar Sah, Manoj Kumar Das, Md. Parwej and Afsar Wali have been enlarged on bail by different Benches of this Court vide orders dated 08.01.2021, 08.04.2021, 29.06.2021 and 22.11.2021 passed in Cr. Misc. No. 27115 of 2020, Cr. Misc. No. 40665 of 2020, Cr. Misc. No. 12321



of 2021 and Cr. Misc. No. 47644 of 2021, respectively. He further submits that the petitioner has been languishing in jail since 26.07.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in two more cases, namely, Arer P.S. Case No. 111 of 2019 and Katra P.S. Case No. 286 of 2019.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. C.J.M., Madhubani in connection with Sakri P.S. Case No. 196 of 2019 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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