

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22604 of 2022

Arising Out of PS. Case No.-81 Year-2019 Thana- BARBIGHA District- Sheikhpura

CHANDAN KUMAR Son of Ramadhin Prasad Resident of Village -
Dayamchak, P.S.- Sare, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed. Rizwanul Haque

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-08-2022 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
Barbigha (Mission O.P.) P.S. Case No. 81 of 2019 initially
registered for the offence punishable under Section 392 of the
Indian Penal Code and later on Section 411 of the IPC was
added.

As per prosecution case, four unknown persons
assaulted the informant and on the point of revolver snatched
the key of motorcycle from the informant and took away rupees
two lacs from dicky of the motorcycle.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and during course of investigation the name of petitioner has been surfaced along with other co-accused. Petitioner is in custody since 18.12.2020 and bears criminal antecedent of two cases in which petitioner has been acquitted in one case. He further submits that nothing has been recovered from the house or conscious possession of the petitioner. No TIP was conducted in the case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Chandradeep Kumar @ Chandu has been granted bail by the Co-ordinate Bench of this court vide Cr. Misc. No. 76499 of 2019 and the case of present petitioner stands more or less on similar footing.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-3rd,
Sheikhpura in connection with Barbigha (Mission O.P.) P.S.
Case No. 81 of 2019, 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 without appropriate permission, 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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