

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23635 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- BHAGWANPUR District- Begusarai

CHANDAN KUMAR @ CHANDAN KUMAR SINGH Son of Vidyanand
Singh Resident of Village - Lohiya Nagar, P.S.- Begusarai Town, Distt.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 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
Bhagwanpur P.S. Case No. 92/2021 registered for the offences
punishable under Sections 393 of the Indian Penal Code.

As per prosecution case, the informant was going
from his house by truck. In the meantime, two criminals riding
on a motorcycle stopped the truck and tried to take out money
from the pocket of the informant. Informant dashed them after
that both miscreants fled away from the place of occurrence
leaving the motorcycle and the informant came to know that one
person was present petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was neither apprehended on the spot nor any incriminating articles has been recovered from his possession. Learned counsel for the petitioner further submits that the petitioner has not been put on T.I. Parade. The petitioner is languishing in custody since 04.01.2022 and bears criminal antecedent of 07 cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this 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 **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Bhagwanpur P.S. Case No. 92/2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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