

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24680 of 2022

Arising Out of PS. Case No.-631 Year-2021 Thana- SIWAN CITY District- Siwan

Chandan Chaudhary @ Chandan Chaudhri @ Chandan Pasi Son of Laxman Chaudhary @ Laxuman Chaudhari Resident of Village - Dakhin Tola, P.S.- siwan Town, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 14-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Siwan P.S. Case No. 631 of 2021 lodged under Sections 364, 302, 201, 120B, 34 of the I.P.C.

As per the prosecution case, the informant has instituted this case alleging that on 07.11.2021 at about 11 am his elder son Vishal Kumar Singh left house on his black Scorpio along with 2 named persons. However, his son did not return in the night. On the next day i.e. on 08.11.2021 at about 07.39 AM, the informant received a phone call from Mirganj

P.S. that the said Scorpio was found abandoned and currently parked with the Mirganj P.S. With this information the informant filed case against unknown accused persons.

Learned counsel for the petitioner submits that petitioner has not been named in the F.I.R. He further submits that informant has made allegation against 2 persons but the said 2 persons were not made accused in this case. He submits that petitioner's name has been figured in this case by virtue of confessional statement of one Sandip Kumar and he has disclosed the name of 11 named accused persons in commission of crime but petitioner's name has not figured in this case. He further submits that subsequently 1 of the 11 named accused persons, has stated about the present petitioner that he has directed the petitioner to call the alleged traceless accused and thereafter he returned to Patna. He further submits that the entire F.I.R., there is no cogent material against the present petitioner. Learned counsel submits that from the case diary, one Ayub Khan has taken responsibility of commission of crime.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 29.11.2021 having criminal cases pending against him, out of which in 2 cases he is

on bail and in 3 cases he has been acquitted.

Learned counsel for the State opposes the prayer for bail and submits that the injury report has not been available in this case because it has come in this case that those traceless persons have cut-down the body of the deceased and thrown it in Sarayu river after providing tea with medicine to him due to which they became unconscious.

Learned counsel for the State further submits that there is no direct allegation available against the present petitioner but the antecedent of the petitioner is not clean, and presently 2 cases pending against him in which he is on bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge – I – Cum – Special Court, Siwan in connection with Siwan P.S. Case No. 631 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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