

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36110 of 2021

Arising Out of PS. Case No.-40 Year-2020 Thana- ISLAMPUR District- Nalanda

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CHANDAN KUMAR @ CHANDAN KEWAT S/O Arjun Kewat Resident of
Village - Balmat Bigha, P.O.- Brahgawan, P.S. Islampur, District - Nalanda,
Bihar, Pin- 801303.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Islampur
P.S. Case No. 40 of 2020 registered for the offence under Sections
364, 302/34 of the Indian Penal Code.

As per the prosecution case, mother of the informant
had gone to provide food to the father of the informant at Dalan
and thereafter, she became traceless. The whole night, the
informant and his family members tried to search her, but she
could not be traced out. In the next morning at about 6 AM, the
dead-body of the mother of the informant was found lying in the
field of one Sikrati Kewat. It is further alleged that few dates prior
to the occurrence, some dispute arose between the family of
informant and one Chandan Kumar over irrigating the field and



hence, the informant raised suspicion that this petitioner along with other four accused persons, named in the FIR, have committed the murder of his mother by strangulation.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence. He further submits that during course of investigation no independent witness has come forward to support the prosecution version. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Bajrangi Kewat has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2021 passed in Cr. Misc. No. 6365 of 2021. The petitioner is rotting in judicial custody since 18.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanada in connection with Islampur P.S. Case No. 40 of 2020



with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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