

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30852 of 2022

Arising Out of PS. Case No.-111 Year-2019 Thana- ARER District- Madhubani

CHANDAN CHAUDHARY SON OF RAJ KUMAR CHAUDHARY
RESIDENT OF VILLAGE- ANYAYPUR POLICE STATION- KATRA
DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 394 of the Indian Penal Code and later on
charge-sheet has been submitted against the accused persons
under Sections 394 and 302 of the Indian Penal Code.

According to the informant, while he was boarding
with his friend, Shiv Kumar Ram, three unknown miscreants
intercepted them and tried to snatch his motorcycle and when
they protested, miscreants fired upon them which hit the chest of
Shiv Kumar Ram, who died during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been



named in the F.I.R. but merely on the basis of confessional statement of the co-accused, Md. Afsar @Wali @ Afasar Ali, he has been made accused in this case. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Afsar Wali @ Afasar Ali, has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2022 passed in Cr. Misc. No. 23089 of 2022. The petitioner is rotting in judicial custody since 06.10.2021.

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 Court below where the case is pending in connection with Arer P.S. Case No. 111 of 2019 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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