

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44626 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- ARARIA District- Araria

CHANDAN KUMAR BAHARDAR @ MD CHANDAN KR. BAHARDAR
Son of Raj Kumar Bahardar Resident of Village- Deviganj Pathraha, Ward
No.6, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate.
For the Opposite Party/s : Mr.Ramchandra Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 01.02.2021,
seeks regular bail in connection with Araria P.S. Case No. 07 of
2021 for the offence punishable under Section 392 of the Indian
Penal Code.

The prosecution case, in brief, is that when the
informant was returning by his Magic Goods vehicle bearing
Registration No. BR 38 M 2891 after loading kirana items and
reached near Kushiargaon park about 1 Km ahead from Gulam



Rasool Petrol Pump, his vehicle was suddenly intercepted by four miscreants on the pretext to be police personnel and they started checking the vehicle of the informant. On objection made by the informant, the miscreants dragged out the informant and his associate Ishaque from their vehicle. Then the miscreants after driving the vehicle of the informant for two hours dropped the informant and his associate at Raniganj Road and fled away with the mobile phone and aforesaid vehicle of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged. Nothing has been recovered from the conscious possession of the petitioner. He has been made accused in this case on the basis of confessional statement of co-accused Md. Sawood Alam from whose house the offending card was recovered. Charge sheet has been submitted in this case. Petitioner has clean antecedent and is in custody since 01.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, nothing has been recovered from the



conscious possession of the petitioner, petitioner has been made accused on the basis of confessional statement of Md. Sawood Alam, there is no allegation of tampering with the evidence or influencing the witnesses, the court below is directed to obtain a report with respect to the criminal antecedent of the petitioner and if no criminal antecedent is found against the petitioner as stated in Para-3 of the present bail petition, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Araria P.S. Case No. 07 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

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