

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46144 of 2021

Arising Out of PS. Case No.-523 Year-2014 Thana- BEGUSARAI TOWN District- Begusarai

Chandan Kumar @ Chandan Sah Son of Maya Ram @ Mayo Sah @
Mayaram Sah Resident of Village - Bagha, P.S.- Begusarai Town, (Lohiya
Nagar O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 452, 120B, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, the informant alleged
that on 17.3.2014 the F.I.R. named accused persons came and
one co-accused namely Randhir Mahto fired upon her husband,
which was hit in back and then her husband jumped from roof,
but three F.I.R. named accused persons also jumped from the
roof and they started fire upon her husband which her husband



got fire arm injury in back and chest and he died and behind this occurrence is distribution of broker amount came after sale of land.

Learned counsel for the petitioner submits that petitioner has clean antecedent and petitioner is not named in the F.I.R. and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused. He further submits that except the confessional statement of co-accused nothing has come against the petitioner during the investigation. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Begusarai Town P.S. Case No. 523 of 2014, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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