

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37155 of 2022

Arising Out of PS. Case No.-186 Year-2017 Thana- DARAUNDA District- Siwan

CHANDAN SINGH SON OF SRI RAM SINGH RESIDENT OF VILLAGE
- DIVI, P.S.- M. H. NAGAR HUSANPURA DISTT.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Senior Advocate
		Mr.Pravin Kumar, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned Senior counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Daraunda (M.H. Nagar) P.S. Case No. 186 of 2017 under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution story, the informant alleged that when he was returning home along with his uncle, they were intercepted by the accused persons and it is alleged that one Kalyan Yadav opened fire but he saved himself. In the



meanwhile, Dinesh Yadav @ Lalli Yadav and Nanhe Yadav opened fire causing immediate death of his uncle, Kameshwar Singh.

Learned Senior counsel for the petitioner submits that he has not been named in the F.I.R. nor any specific role has been assigned to him and is in custody since 28.02.2022. He has been implicated as a conspirator only because he has one dozen cases under his belt.

Per contra, learned APP for the State submits that a bare perusal of the observation of the learned Sessions Judge would show that in a criminal case lodged earlier, he was unsuccessfully trying to influence the informant's side for a patch up and had conspired from the jail leading to the present FIR.

From the perusal of the FIR, it appears that the informant has given specific role of killing on Dinesh Yadav @ Lali Yadav and Nanhe Yadav which led to the death of his uncle, Kameshwar Singh and the allegation is also against Kalyan Yadav that he opened fire but the informant saved himself.

In the backdrop of the aforesaid facts and considering that the petitioner is in custody since 28.02.2022 and charge sheet stands submitted, this Court is inclined to grant him



privilege of bail, subject to strict condition in view of the fact that he is an accused of one dozen criminal cases.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Daraunda (M.H. Nagar) P.S. Case No. 186 of 2017.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall leave the district of Siwan for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (of his residence) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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