

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37764 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- BARARI District- Katihar

Chandan Yadav @ Chandan Kumar, S/o Balistar Yadav Resident of Village-
Bari Nagar, P.S.- Barari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of
the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Barari P.S. Case No.111 of 2021 instituted under
Section 392 of the Indian Penal code.

The prosecution case, in brief, is that one Santosh
Kumar Gupta, Resident of Village- Ekchari , presently
posted as Sangam Manager in Bharat Finance
Company gave his fardbeyan before the S.H.O. Barari on
26.05.2021 that he went for a meeting of the company in
village- Bhandartal and thereafter at 1.45 P.M. as he
proceeded from Bhandartal and he reached at Bhandartal



Bandh, in the meantime, three persons came on a Apache Motorcycle towards the Rajapakar and dashed his motorcycle as a result whereof he fell down. Further, one of the miscreants pointed arms on his head and later took away his Hero Motorcycle No. BR-10V-7375.

Learned counsel for the petitioner submits that only because he has criminal antecedent, he has been implicated in this case and except the confessional statement of co-accused, Gaurav Kumar, nothing has come against him nor anything has been recovered from his conscious possession and although he is in custody since 01-04-2022, no T.I. Parade was conducted. His last contention is that the said Gaurav Kumar on whose confessional statement he was arrested has since been released on bail along with Uttam Kumar vide Cr. Misc. No.60164/2021 by a co-ordinate Bench of this Court.

Considering the fact that he is in custody since 01.04.2022, charge-sheet stands submitted, no T.I. Parade has been done and similar situate co-accused Gaurav Kumar has been released on bail as stated above, this Court is inclined to grant him privilege of bail after framing of the



charges.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Barari P.S. Case No.111 of 2021 to the satisfaction of learned A.C.J.M., III, Katihar, subject to following conditions:

(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 appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) 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;



(v) 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)

Prakash Narayan /-

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