

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42781 of 2022

Arising Out of PS. Case No.-535 Year-2021 Thana- BIHIA District- Bhojpur

CHANDAN KUMAR @ CHANDAN YADAV S/o Ganga Dayal Singh R/o
village- Bihiya Gaon, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bihiya
P.S. Case No. 535/2021 registered for the offences punishable
under Section 392 of the Indian Penal Code and Section 412 of
the Indian Penal Code added on 06.02.2022.

As per prosecution case, the informant's bag
containing Rs.173,000/- as well as other articles have been
snatched by the three miscreants. FIR has been lodged against
unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR. The name of



petitioner surfaced in this case on the basis of confessional statement of co-accused Kunal Kumar. The petitioner is languishing in custody since 06.02.2022 and bears criminal antecedent of 03 cases. No any incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not put on T.I. Parade till date. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused, Indal Kumar against recovery has been made has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.37124/2022 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara
in connection with Bihiya P.S. Case No. 535/2021, subject to
following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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