

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53596 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- SARAIYA District- Muzaffarpur

CHANDAN KUMAR S/o Sri Harendra Ray R/o village - Basudeo Patti, P.S.-
Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate
	Mr. Nilesh Kumar, Advocate
For the Opposite Party/s :	Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Saraiya P.S. Case No. 70 of 2021 instituted for the offences
under Sections 120(B), 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.02.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his son was called by the
petitioner on his mobile and asked him to come to village
Saraiya, accordingly, the deceased after informing his mother



and sister left for Saraiya but after 40-45 minutes, the informant was informed that his son has been shot, accordingly, the family members reached the place of occurrence and the son was taken to the hospital who died during the course of treatment at Paras Hospital, Patna.

Learned counsel for the petitioner submits that from perusal of the allegation and the impugned order, it would manifest that only allegation against this petitioner is that he had called the deceased at village Saraiya, it is submitted that the deceased and the petitioner were friends and the petitioner after completing his civil engineering from Bhopal was working in Pune and during lock-down due to COVID-19 he had come to his village where the deceased was also staying as has been stated in para 16 of the bail application. Learned counsel thus submits that even the FIR does not disclose even remotely that this petitioner was having any grudge with the deceased. It is submitted that it was sheer bad-luck of the petitioner that he called the deceased for meeting with him and he was shot in the way near his own village itself.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is



a person with clean antecedent, charge-sheet has been submitted and is a civil engineer working in Pune and was friend of the deceased and apart from the fact that no motive has been alleged in the FIR, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, (West), Muzaffarpur in connection with Saraiya P.S. Case No. 70 of 2021.

(Satyavrat Verma, J)

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