

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44302 of 2022

Arising Out of PS. Case No.-207 Year-2018 Thana- MASHRAK District- Saran

Chandan Singh @ Chandan Kumar, Son of Suresh Singh, Resident of village
- gopalpur, P.S.- Basantpur (Lakadi Naviganj O.P.), District - Siwan (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the State : Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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

In the present case, the petitioner seeks bail in
connection with Mashrakh P.S. Case No. 207 of 2018 registered
for the alleged offences under Sections 392 of the Indian Penal
Code.

As per prosecution case, four miscreants on two
motorcycles surrounded the motorcycle of the informant and
assaulted and robbed him of Rs. 25,00/-, keys of his shop and a
mobile phone. The name of the petitioner transpired during
investigation as one of the accused persons.

Learned counsel for the petitioner submits that

petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been made accused on the basis of confessional statement of one Vishal Kumar but the petitioner has no concern with him. No Test Identification Parade has been conducted to establish the identity of the petitioner as one of the accused person. Save and except, the confessional statement of co-accused, no material has come up against this petitioner during investigation. Co-accused Vishal Kumar has been granted bail by a Coordinate Bench vide order dated 06.05.2019 passed in Cr. Misc. No. 11308 of 2019. Charge sheet has been submitted in this case and the petitioner is in custody since 20.05.2022.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI,

Saran at Chapra in connection with Mashrakh P.S. Case No. 207 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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