

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48810 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- SIWAN RAIL P.S. District- Saran

CHANDAN KUMAR, son of KANHAIYA SAHNA @ SAHNI, resident of
MISKARHI (GALI) MATHIYA, P.S.- MAIRWA, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 Today being Friday, matters are being taken up
through virtual mode, as per current procedure for hearing.

2. Heard learned counsel for the petitioner and
the learned APP for the State.

3. The petitioner seeks bail in connection with
Siwan Rail P.S. Case No.48 of 2021 registered for the offences
punishable under Sections 401, 379 and 34 of the Indian Penal
Code.

4. The prosecution case alleges that the
informant with her husband was traveling in a train, when a
person fled away with her trolley and some other articles. The
person is said to have been apprehended with the help of
passengers, and he has disclosed the name of other co-accused
including the petitioner as his accomplice.



5. Learned counsel for the petitioner submits that implication is based only on confessional statement of co-accused. The same has led to no recovery. The petitioner is in custody since 17.03.2022 and he is on bail in the two cases pending against him since before, as per disclosure made in paragraph-3 of the bail application.

6. Learned APP has opposed the prayer for bail.

7. Considering the rival submissions, the fact that there is no recovery attributed to the petitioner, period of custody, this Court is inclined to allow the prayer for bail.

8. Prayer for bail is allowed.

9. Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate (Railway) Sonapur, Saran in Siwan, in connection with Siwan Rail P.S. Case No.48 of 2021, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

10. This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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