

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55051 of 2022**

Arising Out of PS. Case No.-157 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Chandan Paswan @ Amit Kumar @ Chandan Kumar Son Of Pasuram
Paswan @ Prashu Ram Paswan R/O Village- Kaajichak, P.S.- Magadh
Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocatye
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Gajendra Kumar Singh, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Magadh Medical P.S Case No. 157 of 2020 for the offences
punishable under Sections 341, 323, 392/34 of the Indian Penal
Code.

The prosecution case is based on a written report
filed by the informant alleging therein that while the informant
was coming with Auto Rickshaw, reached near the Airport,
three persons who were following him with motorcycle,
overtook his Rickshaw and started assaulting him. It is alleged
that the petitioner Chandan Kumar and others after assaulting



him looted away the Auto Rickshaw and other valuables.

Learned counsel appearing on behalf of the petitioner submits that no such occurrence has ever taken place and only on account of previous enmity his name has been implicated in this case. He next submits that co-accused Binod Kumar @ Vinod Kumar against whom there was similar allegation, has been allowed privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 1488 of 2021 vide order dated 08.03.2021. He further submits that petitioner is in custody since 14.05.2022, though the investigation of the crime is complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons having more or less similar allegation has been allowed privilege of bail by learned co-ordinate Bench of this Court. Moreover, investigation of the crime is complete and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, -IV Gaya in connection with Magadh Medical P.S Case no. 157 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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