

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65929 of 2021**

Arising Out of PS. Case No.-188 Year-2020 Thana- PANDAUL District- Madhubani

CHANDAN KUMAR Son of Ram Prasad @ Ganga Prasad Resident of
Village - Jamsam, P.S.- Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr. Gagandeo Yadav, Advocate Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 09-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307, 379/34 of the Indian Penal Code.

According to prosecution case, on 30.07.2020 the informant alongwith his brother Sushil Prasad was coming outward his one and in the way all the F.I.R. named accused persons being armed with Chura, Pistol and Rod attacked upon Sushil Prasad and one of the accused Arun Prasad ordered to kill



on which Chandan Kumar (petitioner) assaulted with dagger on of informants brother on head and co-accused Amar Prasad rounded rope in his neck and got him fell down and dragged and one Binit Kumar assaulted with Iron rod and Aman Prasad by flashing his pistol ordered to kill all the family member and Bikash Kumar, Rahul Kumar, Abhishek Kumar, Maish Kumar, Mannu Rai were also assaulted with him and lastly that they have snatched of the mobile and money and 8-10 unknown persons also participated in the alleged occurrence and also assaulted to informant's brother.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per F.I.R. the allegation against the petitioner is that he assaulted with digger on the head of the informant's brother co-accused Amar Prasad rounded the rope in his neck and pull down and dragged and co-accused Binit Kumar assaulted with iron rod and co-accused Aman Prasad facing his pistol and stated that kill the all persons. He further submits that the allegation as alleged in the F.I.R. does not supported with the injury report. He further submits that the present case is counter blast of Pandaul P.S. Case No. 189 of 2020 filed by the co-accused Arun Prasad against the informant



and others. He further submits that all together five injuries was found injury no.1 is simple in nature, injury no. 2, 3 and 4 is sharp cutting wound upto deep periosteum with profusely bleeding which is dangerous to life and injury no.5 is simple in nature. The petitioner is in custody since 05.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pandaul P.S. Case No. 188 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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