

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65802 of 2021**

Arising Out of PS. Case No.-4 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

CHANDAN @ PRINCE @ CHANDAN KUMAR Son of Ramchandra Chaudhary @ Ramchandra Chaudhri Resident of Village - Majhauri, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66946 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

KUNDAN KUMAR Son of Ramchandra Chaudhary @ Ramchandra Chaudhri Resident of Village- Majhauri, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65802 of 2021)

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 66946 of 2021)

For the Petitioner/s : Mr. Shivanand Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-10-2022

IN CR. MISC. NO. 65802 OF 2021

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Hajipur



Sadar P.S. Case No. 04 of 2020 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 52 of the Prisons Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 12.08.2022.

The allegation against the petitioner is to commit murder of one under trial prisoner, namely Manish @ Netaji @ Telia along with other under trial prisoners/co-accused persons, due to previous enmities, while in Hajipur Jail.

Learned counsel appearing on behalf of the petitioner submitted that specific allegation of firing, causing death of Manish Kumar @ Netaji @ Telia is available against co-accused/under trial prisoner, namely, Raja Babu, where, this petitioner was even not named in the FIR. It is further submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Annu Singh @ Rahul Singh, who is named in FIR, in furtherance thereof, nothing surfaced/recovered, which may connect this petitioner, *prima facie* with the present set of occurrence. It is also submitted that similarly situated co-accused, namely, Shivam Kumar, has already been granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 20566 of 2021 dated



21.10.2021. While concluding the argument, it has been submitted that investigation of this case has been completed, long back, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence, where petitioner is in custody since 12.08.2020 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 04 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J., III, Vaishali at Hajipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 66946 OF 2021

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.



The petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 04 of 2020 registered for the offence under Sections 302 and 120(B) of the Indian Penal Code, Section 27 of the Arms Act and Section 52 of the Prisons Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 17.02.2020.

The allegation against the petitioner is to commit murder of one under trial prisoner, namely Manish @ Netaji @ Telia along with other under trial prisoners/co-accused persons, due to previous enmities, while in Hajipur Jail.

Learned counsel appearing on behalf of the petitioner submitted that specific allegation of firing, causing death of Manish Kumar @ Netaji @ Telia is available against co-accused/under trial prisoner, namely, Raja Babu, where, this petitioner was even not named in the FIR. It is further submitted that name of this petitioner surfaced on the basis of confessional statement of co-accused, namely, Annu Singh @ Rahul Singh, who is named in FIR, in furtherance thereof, nothing surfaced/recovered, which may connect this petitioner, *prima facie* with the present set of occurrence. It is also submitted similarly situated co-accused, namely, Shivam Kumar, has already been granted bail by one of the learned co-ordinate



Bench of this Court, through Cr. Misc. No. 20566 of 2021 dated 21.10.2021. While concluding the argument, it has been submitted that investigation of this case has been completed, long back, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered, during course of investigation, which may connect this petitioner, *prima facie*, with the present set of occurrence and petitioner is in custody since 17.02.2020 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 04 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J., III, Vaishali at Hajipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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