

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69552 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- CHANDRADIP District- Jamui

Chandan Yadav Son of Late Bhagirath Yadav Resident of Village - Benipur,
P.S.- Rupow, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Man Mohan Kumar, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Chandradeep P.S. Case No.93 of 2020 registered for the offence under Sections 147, 148, 149 and 302 of the Indian Penal Code , Section 27 of the Arms Act and Section 3/4 of Explosive Substance Act.

The accused/petitioner is not named in the F.I.R. and is in custody since 17.08.2022.

The allegation against the petitioner is to commit murder of the brother of informant alongwith other named co-accused persons by throwing bomb on the head of the deceased, where he died on spot.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not named in the F.I.R., where his name surfaced on the basis of confessional statement of co-accused, namely, Manoj Rai @ Manoj Hansada @ Manoj Rai Hansada, where nothing surfaced/recovered during the course of investigation, which may connect this petitioner, *prima facie*, with the present set of allegations. It is also pointed out that said Manoj Rai @ Manoj Hansada @ Manoj Rai Hansada had already been granted bail by one of the learned Co-ordinate bench of this Court through Cr. Misc. No. 18278 of 2021, vide order dated 24.08.2022. While travelling over the argument, it is submitted that specific allegation of throwing bomb on the head of brother of the informant, causing his death is available against co-accused, namely, Lobendra Yadav. It is also pointed out by learned counsel that petitioner is involved in 12 more cases, where he is already acquitted in 3 cases and is on bail in rest of 9 cases and in maximum of cases his name surfaced on the basis of confessional statement without having any connecting evidence, as of present case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, op-



poses the prayer for bail.

In view of the facts and circumstances as mentioned above as fatal assault causing death by throwing bomb is not available against this petitioner, rather same is specific against co-accused Lobendra Yadav coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Chandradeep P.S. Case No.93 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 Additional Chief Judicial Magistrate Ist Class, Jamui/concerned court, subject to following conditions:-

(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every



date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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