

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3287 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- KHAIRA District- Saran

CHANDAN KUMAR PASWAN @ CHANDAN KUMAR MANJHI Son of
Tarkeshwer Manjhi Resident of village - Mahamanpati, P.S.- Khaira, District -
Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Khaira (Nagar) P.S. Case No. 412 of 2022,
registered for the offences punishable under Sections 147, 149,
323, 324, 307, 302 of the IPC.

As per allegation, the petitioner, along with 15-20
persons, badly assaulted the son of the informant, namely
Deepak Kumar, when he went to attend *Yagya*, along with his
friend Bheem kumar. Deepak Kumar died during course of
treatment, whereas Bheem kumar became injured.

The learned counsel for the petitioner has submitted
that the entire allegation is false. As a matter of fact, the
deceased and Bheem Kumar had committed rape upon a girl,



who had lodged a case preceding to lodging of the present FIR in which, she has stated that she was raped by the deceased and his friend Bheem Kumar. When the deceased and Bheem Kumar came to attend the Yagya, the informant of that case(the girl) made the deceased and his friend identified to her brother Vinod Kumar. He has submitted further that due to anger of rape, the persons of locality assaulted the deceased and he died. He has also submitted that the petitioner is under custody since 02.12.2022 and other co-accused persons Chandan Sah @ Chandan Kumar and Vishal Kumar @ Vishal Sah have been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 5482 of 2023.

On the other hand, the learned APP Sri Shailendra Kumar has opposed the prayer for bail and submitted that the witnesses have corroborated the allegation made in the FIR and they have stated that the petitioner, along with 15-20 persons assaulted the deceased and he died on way to the hospital.

The deceased was accused in Khaira (Nagra) P.S. Case No. 415 of 2022 and date of occurrence of that case is 09.11.2022. The prosecution had made allegation against the deceased and his friend that after gagging her mouth, they both committed rape upon her and thereafter, they fled away.



It appears that in a fit of rage, the people of the vicinity assaulted the deceased and his friend.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Khaira (Nagar) P.S. Case No. 412 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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