

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11341 of 2023**

Arising Out of PS. Case No.-778 Year-2022 Thana- NAGAR District- Vaishali

Chandan Kumar @ Gandhi, Son of Parmanand Gupta, R/V- Bishunpur,  
Subhai, Near Madan Chowk, P.S- Sadar Hajipur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pranoy Kumar, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      04-05-2023                      Heard Mr. Pranoy Kumar, learned counsel appearing  
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Hajipur Town P.S. Case No. 778 of 2022 registered for the offence punishable under Section 436/34 of the Indian Penal Code.

It is alleged that the proprietor of Home Decor, Bhagwati Complex, received an information regarding fire in his shop. On the aforesaid information, he reached at the shop and found his shop burnt and sustained a loss of Rs. 2,69,000/- for which a *Sanha* was lodged. In course of repair of electric connection, he saw the CCTV camera and found that petitioner along with his helper has set the shop on fire.

Submission has been made on behalf of the petitioner



that save and except the CCTV footage, there is no material suggesting the complicity of the petitioner, inasmuch as, every evidences based on electronic devices must conform to the provision of Section 65 B of the Indian Evidence Act. He next submitted that in fact on account of some mercantile dispute, this FIR has been instituted and, moreover, co-accused person who was later on identified on the basis of CCTV footage, he has been allowed the privilege of bail by the learned Court below itself, the copies of which has been annexed as Annexure 2 to the application. He lastly submits that the petitioner is a man of fair antecedent, is in custody since 28.12.2022 and, moreover, charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has been identified in the CCTV footage as one of the culprit who set the shop on fire.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the period of custody and his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 778 of 2022, 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.

**(Harish Kumar, J)**

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