

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29652 of 2023

Arising Out of PS. Case No.-436 Year-2022 Thana- GOVINDGANJ District- East
Champanan

CHANDAN RAM Son of Bharat Ram Resident of village - Raghunathpur,
ward no. 03, P.S. - Raghunathpur O.P., Distt. - East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-08-2023 Heard Mr. Prateek Tandon, learned Counsel for the

petitioner and learned APP for the State.

The petitioner is an accused in connection with
Govindganj (Areraj) P.S. Case No. 436 of 2022 registered for
the offences under sections 302, 120(B) and 34 of the Indian
Penal Code and section 27 of the Arms Act lodged on
20.08.2022 by the informant, Ashwni Kumar.

As per the prosecution story, the short FIR alleges that
the accused persons shot dead one Sanjay Kumar Thakur on
gate of the Civil Court, Areraj, East Champanan.

Learned Counsel for the petitioner submits that FIR is
against unknown persons. Subsequently, one Ayush Kumar was
apprehended in course of investigation and he in his
confessional statement gave several names which included the
petitioner herein. He submits that only because he has criminal



antecedent, he has been apprehended and is in custody since 06.01.2023 (as stated in paragraph 9 of the bail application).

It is his last submission that Ayush Kumar on whose confessional statement, the petitioner has been made an accused as also Hari Shankar Kumar have since been released by a co-ordinate bench of this Court in Cr. Misc. No. 36885 of 2023 and Cr. Misc. No. 26967 of 2023 respectively.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the accused persons chose to open fire at the gate of the Areraj Civil Court.

Though, the crime is heinous, the accused persons chose a place where they themselves appear seeking justice, in view of the fact that the person (Ayush Kumar) on whose confessional statement, the name of the petitioner cropped up has since been granted bail, as stated above, this Court is also inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari in connection with Govindganj (Areraj) P.S. Case No. 436 of 2022, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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