

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31293 of 2022

Arising Out of PS. Case No.-335 Year-2021 Thana- SIKANDRA District- Jamui

Chandan Kumar Singh @ Chandan Kumar, Son of Upendra Singh, Resident
of Village - Bishanpur, Police Station- Sikandara, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate
For the Opposite Party/s	:	Mrs. Pronoti Singh, APP
For the Informant	:	Mr. Mayank Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Manish Kumar No. 2, learned counsel
appearing on behalf of the petitioner, Mr. Mayank Raj, learned
counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sikandara P.S. Case No. 335 of 2021 registered
for the offences punishable under Sections 147, 148, 302, 392
and 120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case is based on a written report filed
by the informant alleging therein, that on 06.12.2021 at about
11:30 AM, while he was going to Sikandara market from his



house and when he reached near the field, he saw that his agnates named in the FIR, six in numbers, who were concealed themselves in a bush with deadly weapons, suddenly surrounded the son of the informant and started making indiscriminate firing. On hearing the sound of firing, the informant ran towards the place of occurrence and saw that all the accused persons, including the petitioner fleeing from the place of occurrence and his son was lying there in the pool of blood.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the informant is not an eyewitness to the alleged occurrence, as he himself submitted that having heard the sound of firing, he ran towards the place of occurrence and thereafter, he saw all the accused persons fleeing away from the place of occurrence, even if the allegation is taken to be true. He further submits that the informant categorically stated that there was a land dispute with his elder brother namely, Arjun Singh, and the accused persons are their agnates and due to which suspicion has been raised regarding the involvement of the petitioner in the present crime. He next submits that even during the course of investigation, none of the independent witnesses has come forward to allege that the petitioner was one of the person, who committed the crime



rather it has come that on account of the land dispute, all of them, including the petitioner, might have killed the deceased. He next submits that the petitioner is a man of fair antecedent and is in custody since 05.03.2022 and now the investigation of the crime is complete and there is no allegation that the petitioner is involved in tampering with the evidence or threatening the witnesses.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that in fact the informant is the eyewitness to the alleged occurrence and in his restatement, he fully supported the prosecution case that the petitioner and others have killed his son because of the land dispute. He next submits that the post-mortem report also corroborates that the deceased died on account of bullet injuries and furthermore, the deceased has sustained four bullet injuries over his body and three empty cartridges have also been found at the place of occurrence.

Learned APP for the State also opposes the bail application and submits that the complicity of the petitioner cannot be denied as he was found present at the place of occurrence.

Regard being had to the submissions made on behalf



of the parties and considering the general and omnibus nature of allegation against all the accused persons, who are agnates and the fact that the occurrence has taken place in the background of the land dispute and moreover, the petitioner having fair antecedent is in custody since 05.03.2022 and the charge-sheet has been submitted and he is ready to give undertaking that he will fully co-operate in the trial till its conclusion, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui in connection with Sikandara P.S. Case No. 335 of 2021, 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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