

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33747 of 2023

Arising Out of PS. Case No.-1047 Year-2022 Thana- KANKARBAG District- Patna

Chandan Kumar @ Amar Son Of Sri Om Prakash Gupta @ Chatru Resident
Of Village- C/O Vijay Jee, Near Shalimar Sweets, In Front Of Central Bank,
Kankarbagh, Ps- Kankarbagh, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
10.11.2022, in connection with Kankarbagh P.S. Case No. 1047 of
2022, F.I.R. dated 06.11.2022 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code

3. The petitioner along with others are alleged to
have assaulted the brother of the informant by fists and slaps
causing him injury from inside.

4. Learned counsel for the petitioner submits that
the petitioner, who is of clean antecedent, is innocent and has
been falsely implicated in the present case. He further submits
that the allegation, as alleged in the F.I.R., is false and fabricated
and the petitioner has not committed any offence. He further



submits that there is no eye witness to the alleged occurrence. He further submits that neither the petitioner is family member of the deceased nor the family member of the informant rather the petitioner is a common friend of both the parties. He further submits that the petitioner has no concern at all with the alleged occurrence. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that the petitioner is brother of co-accused Vikash Kumar and the allegation against both Vikash Kumar and the petitioner is the same. He further submits that co-accused Vikash Kumar has been granted bail by this Court vide order dated 13.07.2023 passed in Cr. Misc. No. 16055 of 2023. He further submits that the police after investigation has submitted chargesheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 1047 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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