

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34262 of 2023**

Arising Out of PS. Case No.-38 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

CHANDAN KUMAR S/O RAM PRAMOD SAH @ PRAMOD SAH R/O
Village-Budhnagra, P.S.-Nanpur, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bochahan
P.S. Case No. 38/2022 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, petitioner and others have
looted Rs.3,50,000/- alongwith mobile phone of the informant
and D.V.R., Hard Disck and Wi-fi from the factory of S.R.
Enterprises. FIR lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR and his name has
been transpired in this case on the basis of self confessional
statement prepared by the police in Bochahan P.S. Case



No.170/2022 only for completing the investigation of the case and thereafter he was remanded in the present case. The petitioner is languishing in custody since 30.06.2022 and bears criminal antecedent of two cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner has criminal antecedent.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named 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 Judicial Magistrate-1st Class, East, Muzaffarpur in connection with Bochahan P.S. Case No. 38/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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