

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36950 of 2023

Arising Out of PS. Case No.-168 Year-2014 Thana- MASHRAK District- Saran

CHANDAN SINGH Son of Devi Singh Resident of Village- Chandbarwan,
PO- Mashrakh, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 17.02.2023 in connection with Mashrakh P.S. Case No. 168 of 2014, F.I.R. dated 02.09.2014 for the offences punishable under Sections 302 read with section 34 of the Indian Penal Code but the police after investigation submitted the charge sheet under Sections 304, 201 of the Indian Penal Code.

3. According to prosecution case, in brief, is that one Kiran Devi informant, gave her fardbeyan before the police on 02.09.2014 alleging therein that one Manoj Singh alongwith other five persons including the petitioner they took her husband by way of tempoo on the pretext of participating in a birthday party but her husband did not return. The informant went to



enquiry about her husband from Manoj Singh who disclosed that he did know where about of her husband. She has further been stated that she heard sound of Groaning of her husband and when she opened the door of house of Manoj Singh. Thereafter, she raised alarm then villagers came and took her husband to hospital but on way to hospital he died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that bare perusal of F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner and the police after investigation submitted the charge sheet against co-accused namely, Manoj Singh under Section 302/34 of the Indian Penal Code and against the petitioner under Section 302, 201 of the Indian Penal Code. He further submits that the informant is not the eye witness of the alleged occurrence and except the suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Manoj Singh against whom the charge sheet has been submitted under Section 302 of the I.P.C. has been granted bail by a co-



ordinate Bench of this Court vide order dated 13.11.2020 passed in Cr. Misc. No. 29069 of 2020. The petitioner is in judicial custody since 17.02.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Miss. Arpita, learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Mashrakh P.S. Case No.168 of 2014, 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 witnesses, 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 antecedent, 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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