

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38719 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

Chandan Kumar Son of Chandrakant Prasad Resident of village -
Mohabbatpur, P.S. - Sheikhopur Sarai, Distt. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate
For the Opposite Party/s : Mr. Md. Aatur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-11-2023 Heard Mr. Dr. Anjani Pd. Singh, learned counsel for

the petitioner and Mr. Md. Aatur Rahman, learned Additional

Public Prosecutor for the State.

2. Earlier the bail application of the petitioner was
rejected vide order dated 01.02.2023 passed in Cr. Misc. No.
33462 of 2022.

3. Petitioner seeks bail who is in custody since
16.04.2022 in connection with Sheikhopur Sarai P.S. Case No.
53 of 2022, F.I.R. dated 15.04.2022 for the offences punishable
under Sections 419, 420, 467, 468, 471, 120B/34 of the Indian
Penal Code.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that similarly situated, co-accused, namely, Guddu Yadav has been granted bail by this Court vide order dated 22.03.2023 passed in Cr. Misc. No. 2905 of 2023 and another co-accused, namely, Sujeet Kumar @ Sujit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 14376 of 2023. The petitioner is in custody since 16.04.2022.

5. Vide order dated 05.07.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 11.07.2023 reveals that the charge has been framed against the petitioner and other accused persons on 16.03.2023 but till date the prosecution has not examined any witness.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future, similarly situated co-accused persons have been granted bail and the petitioner is in custody since 16.04.2022.

7. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner.

8. 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 learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 53 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Vanisha/-

U		T	
---	--	---	--

