

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42017 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- KAMTAUL District- Darbhanga

CHANDAN KUMAR @ HIRA @ CHANDAN THAKUR Son of Upendra
Thakur Resident of Village - Ratanpur Ward No.- 7, P.S.- Kamtaul, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 436 and 34
of the Indian Penal Code.
3. The informant alleges that he had gone to attend
nature's call when he saw the petitioner alongwith four
unknown accused setting his poultry farm on fire where he had
also kept his residence, it is next alleged that on alarm accused
persons fled and the fire was doused but in the fire 250 hens
died causing loss of Rs. 5,00,000/-
4. Learned counsel for the petitioner submits that the
petitioner has antecedent of three cases but out of three



antecedents two cases have been filed by one Avinash Kumar. The learned counsel for the petitioner next submits that petitioner has been falsely implicated in the present case, it is next submitted that wife of the informant is Sarpanch of the village and it is alleged that she had passed an order adverse to the interest of the petitioner which led to the occurrence. The learned counsel next draws the attention to page 15 of the anticipatory bail application which is part of the FIR to submit that the adverse order is alleged to have been passed by the wife of the informant on 16.02.2023 and the present occurrence is also dated 16.02.2023, it is thus submitted that it is not possible that the wife of the informant on 16.02.2023 itself would have passed an order adverse to the interest of the petitioner when in terms of the Bihar Panchayat Raj Act, first notices is to be issued and thereafter only a decision is to be taken after hearing the parties. It is next submitted that it appears that the informant in connivance with Avinash Kumar got the present case instituted in order to get the money of insurance as Avinash Kumar Singh is an eye witness of the occurrence in the present case, it is further submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the



case for eliciting the truth and proving his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kamtaul P.S. Case No. 30 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.



9. It is further made clear that in the event, if charge sheet is submitted against the petitioner the present anticipatory bail order shall come to an end. However, the same will not denude the petitioner of availing his remedies available in law.

(Satyavrat Verma, J)

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