

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45526 of 2023

Arising Out of PS. Case No.-499 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Chandan Kumar, Aged About 24 Years, Male, Son Of Naval Ray @ Nawal
Kishore Ray, Resident Of Village Sarariya PS Lalganj District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. This is second attempt for getting the relief of regular bail by the petitioner, who has been languishing in jail since 02.07.2022 in connection with Hajipur Sadar P.S. Case No.499 of 2022 dated 01.07.2022 registered for the offence(s) punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Mr. Shyameshwar Kumar Singh, learned counsel appearing for the petitioner submits that the petitioner earlier preferred Cr. Misc. No.2548 of 2023 for the relief of regular bail which was rejected by this Bench with a liberty given to him to renew his bail prayer after the framing of charge and accordingly, in the light of the said liberty, he has come again



before this Bench as upon him the charges have been framed on 19.06.2023 and material witnesses of the seizure of the alleged firearm, which is stated to have been recovered from the possession of this petitioner, who are to be examined in the trial of the petitioner are official persons and similarly situated co-accused person, Nitish Kumar @ Golu has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.58556 of 2022, whereas co-accused Dhananjay Kumar and Dhiraj Kumar have been granted bail by the court below itself. It is further submitted that though against the petitioner, there are criminal antecedents of ten cases but he has got bail in all the said cases.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides. Though there is a serious allegation against the petitioner but as the trial of the petitioner has started and charges have been framed upon him and most of the material witnesses of the prosecution who are to be examined in the trial of the petitioner are official persons and some similarly situated co-accused persons, as mentioned-above, are on bail and petitioner has been languishing in jail since 02.07.2022, in my opinion, in the present discussed



circumstances, the petitioner is entitled to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Hajipur Sadar P.S. Case No.499 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:-

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

(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) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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