

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53497 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

CHANDAN NAIYA @ KANDUA NAIYA, S/O DEVI NAIYA, Resident of
village- Maniyara, Bariyarpur (Mushahari), P.S.- Piri Bazar, District-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Mukesh Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Piri Bazar P.S. Case No. 163 of 2021 registered
for the offences punishable under Sections 147, 148, 149, 307,
333, 353 of the Indian Penal Code, Sections 25(1-A), 26, 27 of
the Arms Act, Sections 3, 4, 5 of the Explosive Substance Act
and Section 16, 18, 20, 23 of Unlawful Activities (Prevention)
Act.

The prosecution case is based on the self-statement of



the informant alleging therein that on 23.10.2021, the son of the informant is said to have been abducted by 15-20 members of Maoists and on protest made by the informant and police party, they opened fire. It is further alleged that during course of search operation, a dead body was found in the orchard of Dhanik Bind along with A.K. 47 and other ammunition. The dead body was identified by Chaukidar as Naxal Pramod Kora.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against 20 accused persons, including the petitioner, without making any allegation of overt act. He next submits that only because of one antecedent, the name of the petitioner has been implicated in this case, though the petitioner has neither any connection with any extremist organization nor he was present at the place of occurrence. He further submits that one of the co-accused, having identical allegation, has been allowed the privilege of bail by the learned coordinate Bench of this Court in Cr. Misc. No. 16734 of 2022 vide order dated 24.08.2022. Moreover, the investigation of the crime is complete and the charge-sheet has been submitted, though the petitioner is in custody since 07.12.2021.

On the other hand, learned APP for the State opposes



the bail application and submits that the petitioner forming unlawful assembly fired upon the police party.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation and the fact that one of the co-accused person, having identical allegation, has been allowed the privilege of bail, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-II, Lakhisarai in connection with Piri Bazar P.S. Case No. 163 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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