

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57171 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- KOPA District- Saran

CHANCHAL YADAV @ CHANCHAL KUMAR YADAV son of Sukhari
Yadav Resident of Village Marha Gola, P.S. Manjhi, District - Saran at
Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, the informant namely
Avinash Kumar Jha got information that the crowd had
surrounded two criminals. Thereafter he reached to the place of
occurrence and found one person as dead and another person
was found in injured condition. The injured was taken to
hospital and the dead body was sent for postmortem.
Chowkidar namely Lallan Manjhi disclosed the name of
accused persons that they killed the deceased with other



unknown persons by using lathi, danda, brick and stone. Injured Saurav also disclosed the name of deceased as Abhinav Prasad and confessed his guilt that both of them murdered one man. The informant had firm belief that the accused persons murdered the deceased.

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 on the basis of disclosure made by local chowkidar, the name of the petitioner has been transpired in the present case. It appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and nothing incriminating article has been recovered from the conscious possession of the petitioner. He further submits that till date, no T.I.P. has been conducted by the prosecution. On the basis of suspicion, the name of the petitioner has been falsely implicated in this case. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.05.2022.

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

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 Court below where the case is pending in connection with Kopa P.S. Case No. 73 of 2022, 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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