

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69421 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- BABUBARHI District- Madhubani

Chandan Sah @ Chandan Kumar Sah Son of Sri Baij Sah Resident of Village-
Darha, Ward No.-10, P.S.- Khajouli, District- Madhubani Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
29.07.2022 in connection with Babubarhi P.S. Case No. 210 of
2021, F.I.R. dated 06.09.2021 for the offences punishable under
Sections 307/34 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, 3-4 unknown persons
were standing on the side of the road and one person throws a
bamboo piece in order to stop the informant. It is further alleged
that the accused persons fired upon them due to which the
pillion rider, namely, Rajkumar Thakur received gun shot injury.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. and



the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Raja Babu Sharma and except the confessional statement of the co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that co-accused, namely, Raja Babu Shamra on whose confessional statement the name of the petitioner has been implicated in this case has been granted bail by the learned Court below itself vide order dated 23.11.2022. The petitioner is in custody since 29.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 3 criminal antecedents other than the present one.

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 Additional Chief Judicial Magistrate 1st, Madhubani in



connection with Babubarhi P.S. Case No. 210 of 2021, 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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