

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.66815 of 2023**

Arising Out of PS. Case No.-128 Year-2021 Thana- KATHAIYA District- Muzaffarpur

Chandan Kumar S/O Dhanai Mahto R/o Village - Jasouli, P.S. - Kathaiya,  
District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      01-12-2023                      Heard Mr.Sanjay Kumar @ S.K., learned counsel for  
  
the petitioner and Mr.Mohammad Sufyan, learned A.P.P. for the  
  
State.

2. The petitioner seeks bail, who is in custody since  
13.09.2021 in connection with S.Tr.No.417 of 2022 arising out  
of Kathaiya P.S. Case No.128 of 2021, F.I.R. dated 12.09.2021  
registered for the offence punishable under Sections  
147,148,149,323,324,307,302,504 of IPC.

3. Earlier the bail petition of the petitioner was  
dismissed as withdrawn with liberty to move a fresh after  
framing of the charges vide order dated 24.04.2023 passed in Cr.  
Misc. No. 1261 of 2023.

4. Learned counsel appearing for the petitioner  
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation that the petitioner alongwith other co-accused persons have assaulted the father of the informant and he received injury and during treatment he died. Learned counsel for the petitioner submits that for the same set of allegation is against co-accused person, namely, Dhanai Mahto, that he was also assaulted alongwith the petitioner to the father of the informant and he has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 31.07.2023 passed in Cr. Misc. No.14444 of 2023 and other co-accused, namely, Sabita @ Sabita Kumari @ Savita and Kanti Devi have also been granted bail by this Court vide order dated 24.04.2023 passed in Cr. Misc. No.1261 of 2023 and the petitioner is in custody since 13.09.2021.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he alongwith other co-accused persons have assaulted to the father of the informant.

6. Vide order dated 06.10.2023, a report was called for



with regard to the present status of the trial. Report of the learned Trial Court dated 11.10.2023 reveals that out of ten chargesheet witnesses, four witnesses have already been examined.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future, petitioner is in custody since 13.09.2021 and other co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court.

8. Considering the aforesaid fact, report of the learned Trial Court and the period of custody, 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 learned 11<sup>th</sup> Addl. Sessions Judge, Muzaffarpur in connection with S.Tr.No.417 of 2022 arising out of Kathaiya P.S. Case No.128 of 2021, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(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) 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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