

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69583 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- CHHATAUNI District- East Champaran

Chandan Kumar, S/O - Amar Kishore Paswan @ Amar Kishor Paswan R/V-
Chandmari / Chandwari, Near- Durga Mandir, Ward no. - 26, P.S. Motihari
Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chhatauni P.S. Case No. 271 of 2023, lodged on 17.06.2023
under Section 414 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the present petitioner on the secret information
that the petitioner was trying to sell the motorcycle and mobile
phone which are subject to threat.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that the petitioner was a passerby and police has
unnecessarily arrested him. He further submits that the



antecedent of the petitioner is clean and he is in custody since 18.06.2023.

5. Learned counsel for the petitioner submits that the case has been filed under section 414 of the Indian Penal Code which are majestrial triable.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/ concerned Court, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 271 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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