

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76048 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- BARH District- Patna

CHANDAN KUMAR @ CHANDU S/O UMESH MAHTO R/O VILLAGE-
NAWADA GHAT, P.S- N.T.P.C (BARH), DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Barh P.S. Case No. 214 of 2023 registered for the offences
punishable under Section 392 of the IPC.

3. As per prosecution case, informant's tempo is
said to have taken away by unknown miscreants on the point of
pistol.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case upon his mobile tower location
nearby the place of occurrence and upon self-confessional
statement. Except self-confessional statement of petitioner, there
is no material against him. Petitioner is in custody since



19.04.2023 and bears no criminal antecedent. Learned counsel submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the conscious possession of the petitioner and no TIP has been conducted uptill now. He further submits that co-accused, Navin Kumar, against whom recovery is made, has already been granted bail vide Cr. Misc. No. 47554 of 2023, by a co-ordinate Bench of this court and the case of present petitioner stands on better footing keeping in view that nothing has been recovered from his possession. He further submits that co-accused, Amit Kumar, has already been granted bail vide Cr. Misc. No. 48521 of 2023 by a co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing. Learned counsel further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused have already been granted bail, charge sheet has been submitted in the case and there is no likelihood



of tampering with the prosecution evidence argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Barh, District- Patna in connection with Barh P.S. Case No. 214 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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