

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75015 of 2022

Arising Out of PS. Case No.-456 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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CHANDAN KUMAR SON OF BENI RAUT @ BAYANI RAUT R/O
VILLAGE- DIULIYA, P.S.- INERWA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.
Mr. Sachidanand Rai, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.06.2022, in connection with Bettiah (T) P.S. Case No.
456/2022, F.I.R. dated 17.06.2022, for the offences punishable
under Sections 143, 147, 148, 149, 341, 323, 353, 332, 333,
338, 435, 436, 307, 427, 504, 120(B), 395 and 412 of the Indian
Penal Code and Section 3/4 of the Prevention of Damage to the
Public Property Act.

According to prosecution case, the informant got
information that around 500-700 persons are breaking public
property and set fire at railway station and they attacked on
police force and caused damaged to the residence of the Hon'ble



Ex-Deputy CM, Bihar and to the vehicle of Hon'ble M.L.A. They also committed loot-pat at the petrol pump, and caused damage to CCTV camera.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only of the basis of the CCTV footage and his confessional statement made before the police. He further submits that it is quite impossible to identify the members of the mob who are more than 700 in numbers with their names, age and address. He further submits that similarly situated co-accused, namely, Akash Yadav has been granted bail by this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 58248 of 2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two 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 Chief



Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No. 456 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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