

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11579 of 2024

Arising Out of PS. Case No.-198 Year-2022 Thana- PALANWA District- East Champaran

Chandeshwar Patel @ Bhola Kumar S/O Umesh Patel R/O Village-
Kalikapur, P.S.- Palanwa, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Palanwa P.S. Case No. 198 of 2022 instituted for the

offences under Sections 147, 342, 323, 302, 120(B) of the

Indian Penal Code and Section 25(1-b)a, 35 of the Arms

Act.

3. As per prosecution case, on 07.09.2022, the

husband of the Informant had gone to buy vegetables but,

he did not return and subsequently, on 08.09.2022, in the

morning, the Informant received an information that her

husband has been killed in the village Kalikapur by the mob



consisting of twenty named accused persons along with hundred unknown people.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on suspicion. He further submits that on alleged date of occurrence, the petitioner was not present at the place of occurrence. The petitioner has not concern with the alleged occurrence. There is no specific and direct allegation of any assault against the petitioner. The petitioner was not caught at the spot as also nothing incriminating has been found from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 21.11.2023.

5. Learned counsel for the petitioner has also submitted that the similarly situated co-accused persons, namely, Rajendra Ram, Niru Baitha, Shiv Pujan Ram, Osiyar Raut, Harindra Patel and Visun Baitha have been granted bail by a Co-ordinate Bench of this Court vide order dated



06.12.2023 passed in Cr. Misc. No. 54831 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent and considering the claim based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Palanwa P.S. Case No. 198 of 2022.

(Rudra Prakash Mishra, J)

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