

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17635 of 2024

Arising Out of PS. Case No.-634 Year-2022 Thana- BIDUPUR District- Vaishali

Chandan Kumar @ Kaliya Son of Arvind Kumar Yadav @ Arvind Rai R/o
Village- Bakhri Barai, P.S.- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bidupur P.S. Case No.634 of 2022 lodged under Section 394 of
I.P.C. and chargesheet has been filed under sections 395, 397,
120B and 412 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against four unknown accused persons against whom
there is allegation of robbery.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner's name has figured in this case by virtue of
confessional statement of the co-accused and nothing
incriminating has been recovered from his possession nor he
was put on T.I.P.

5. Counsel further submits that petitioner's name has
come in this case at the instance of police, only due to the
reason that there are 5 criminal cases pending against him and



he is in custody since 12.09.2023.

6. Counsel also submits that the other co-accused who has disclosed the name of the petitioner, has been granted bail by the Co-ordinate Bench of this Court vide order dated 30.01.2024 passed in Cr. Misc. No.83451 of 2023.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bidupur P.S. Case No.634 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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.

9. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- i. Rajapakar P.S. Case No.15 of 2023.
- ii. Rajapakar P.S. Case No.141 of 2020.
- iii. Sarai P.S. Case No.144 of 2020.
- iv. Rajapakar P.S. Case no.429 of 2022.
- v. Bidupur P.S. Case No.7 of 2023.

(Dr. Anshuman, J.)

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