

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18229 of 2024

Arising Out of PS. Case No.-103 Year-2022 Thana- CHHAURADANO District- East
Champaran

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Kanchan Ram @ Kanchan Kumar Ram S/O- Late Jyotik Ram R/O- Village-
Bakhari, P.S.- Adapur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Adv.
		Mr. Hemant Ray, Adv.
		Ms. Rashmi Jha, Adv.
For the Opposite Party/s :		Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 302, 120(B) of the Indian Penal Code & Section 27 of the
Arms Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant F.I.R by the informant. It is further
submitted that the informant alleges that on 02.04.2022 at about
10.50 P.M., her son Vicky had gone to give lunch box to her
husband namely Ramesh Prasad Yadav at Matar Chowk,
Chhauradano and when her husband started taking his meal, five



persons on two motorcycles came and started firing indiscriminately, on account of which, her husband received firearm injury and thereafter he was taken to Rahmaniya hospital, where the doctor declared him dead. It is next alleged that on account of political rivalry and land dispute, the F.I.R. named accused persons including the petitioner in criminal conspiracy with each other through hired shooters got the occurrence committed. The learned counsel submits that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that criminal cases cut both ways. It is thus submitted that from the F.I.R. itself, it would manifest that there was political rivalry and land dispute on account of which it is being alleged that the accused persons including the petitioner in conspiracy might have got the occurrence committed. It is thus submitted that it may be a ploy for implicating the petitioner since there is dispute between the parties from before, when informant is not an eyewitness to the occurrence. It is also submitted at the cost of repetition that the petitioner is a person with clean antecedent and will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chhauradano P.S. Case No.103/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself as and when required in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner after recording reason.

(Satyavrat Verma, J)

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