

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28208 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- SISWAN District- Siwan

Chandan Singh @ Chandan Kumar @ Chandan @ Chandan Kumar Singh S/o
Shaligram Singh @ Shalikgram Singh R/o vill - Kachnar, P.S. - Siswan, Distt.
- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rampravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Siswan P.S. Case No. 47 of 2023 registered for the offences
punishable under Sections 302, 34, 120(B) of the Indian Penal
Code.

3. As per prosecution case, petitioner and others are
said to have caught hold the informant and his cousin.

4. Learned counsel for the petitioner submits that
except allegation of caught holding the informant and his cousin
there is no specific allegation against the petitioner. He further
submits that the allegation of assaulting the informant's son
indiscriminately is against co-accused Pankaj Singh, Rahul Singh
and Ashirvad Singh. He further submits that bail prayer of co-



accused Rahul Singh and Pankaj Singh has already been rejected by this Court vide Cr. Misc. No. 61371 of 2023 and 61452 of 2023 respectively and the case of present petitioner stands on better footing to that of co-accused as there is no specific allegation against the petitioner to assault the victim. He further submits that informant is not eye witness to the alleged occurrence. Petitioner is in custody since 27.09.2023 and bears one criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel orally submits that the reason behind allegation against the petitioner is that the petitioner has previous dispute with the informant which is clear from the perusal of F.I.R. itself. He further submits that the occurrence took place on 26.02.2023 and F.I.R. has been lodged on 27.02.2023 for which no explanation has been given by the informant.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner but conceded that except allegation of caught holding the informant and his cousin, there is no material against the petitioner.

6. Considering the facts and circumstances of the case, period of custody, there is no specific allegation against the petitioner to assault the victim, 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 Judicial Magistrate, Ist Class, Siwan in connection with Siswan P.S. Case No. 47 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)

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