

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30686 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- GAMAHARIYA District- Madhepura

Chandan Kumar @ Fitku Kumar @ Fitku Son of Jai Krishan Paswan
Resident of Village- Jogbani, Police Station - Gamhariya, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Laxmi Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-07-2024 Heard Ms. Laxmi Kumari, learned counsel for the
petitioner and learned counsel for the State.

2. The petitioner is an accused in connection with Gamharia P.S. Case No. 179 of 2023 registered for the offences under sections 392 and 412 of the Indian Penal Code lodged on 28.09.2023 by the informant, Bhagwan Lal Chaudhary.

3. As per the prosecution story, the informant alleged that he being the driver of 112 vehicle was moving, named accused persons intercepted and on the point of pistol snatched the motorcycle as also Rs. 17,000/- As he was local person could identify the accused persons which included the petitioner.

4. Learned counsel for the petitioner submits that though he has been named and sent to judicial custody since



07.10.2023 (as stated in paragraph-5 of the petition), nothing has been recovered from his conscious possession and further he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that he has been named in the FIR.

6. Though it is correct that he has been named in the FIR, considering the fact that he has remained in custody since 07.10.2023, charge sheet submitted, nothing has been recovered from his conscious possession and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Madhepura in connection with Gamharia P.S. Case No. 179 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(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.

(Rajiv Roy, J)

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