

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44541 of 2024

Arising Out of PS. Case No.-98 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

Chandan Kumar @ Chandan Kumar Singh S/O Vijay Kumar Sinha @ Vijay Kumar, R/O Village- Horidih, P.S. Neemchak Bathani, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-07-2024 Heard Mr. Anjani Kumar Jha, the learned counsel for the petitioner and Mr. Binod Kumar, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 21.03.2024, in connection with Neemchak Bathani P.S. Case No. 98 of 2020, FIR dated 25.05.2020, registered for the offences punishable under Sections 147, 148, 427, 307 and 504 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, when the informant questioned the co-accused Sanjun Yadav about the goat that has entered his field and grazed his crops, the co-accused person assaulted the informant with *lathi* and the petitioner opened fire from his licensed rifle.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case due to previous enmity between the parties and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that as per allegation in the FIR, the petitioner has fired twice from rifle, but the bullet did not hit anybody. He further submits that no such occurrence has taken place and nothing has been recovered from the place of occurrence, which suggests that firing was made by the petitioner and the police after investigation has submitted chargesheet against the petitioner and the petitioner is in judicial custody since 21.03.2024.

5. The learned counsel for the informant as well as the Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and there is direct and specific allegation against the petitioner. Apart from that, petitioner carries three criminal antecedents other than the present one, however, he fairly admits on the basis of supplementary affidavit that petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X, Gaya, in connection with



Neemchak Bathani P.S. Case No. 98 of 2020, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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