

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40731 of 2024

Arising Out of PS. Case No.-313 Year-2023 Thana- BALIYA District- Begusarai

Chandan Singh @ Chandan Kumar S/O Mahesh Singh @ Mahesh Prasad
Singh R/O Village- Sadanandpur, P.S- Balia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Bindhyachal Singh, learned senior
counsel for the petitioner and Mr. Jai Narain Thakur, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Balia P.S. Case No. 313 of 2023, F.I.R. dated 07.11.2023 for the offences punishable under Sections 341, 323, 324, 506, 307/34 of the Indian Penal Code.

3. According to prosecution case, two persons intercepted the informant and fired upon the him which hit his left thigh.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to previous enmity between the parties. He further submits that it appears from the F.I.R that the informant has alleged that two persons have fired upon him and later he identified that one of the person was petitioner. He further submits that the father of the petitioner has already written



application to S.P. Begusarai on 21.11.2023 for fair investigation in this matter and he has categorically stated that the petitioner is not involved in the present crime and apart from that the date of occurrence is 01.11.2023 and the information was given to police on 03.11.2023 but the present F.I.R has been instituted on 07.11.2023 i.e. after delay of 6 days only afterthought to falsely implicate the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R that the petitioner is named in the F.I.R and there is allegation of firing upon the victim. Apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Balia



P.S. Case No. 313 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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