

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44916 of 2024

Arising Out of PS. Case No.-1091 Year-2023 Thana- ALAMGANJ District- Patna

Chandan Kumar Son of Dharmendra Kumar Gupta R/O- Mohalla-
Belawarganj At Present Mohalla- Sadikpur, Machchhua Toli, P.S.- Alamganj,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Krishna Jha, Advocate
For the Informant	:	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Raj Krishna Jha, learned counsel for the
petitioner, Mr. Ranjan Kumar Jha, learned counsel for the
Informant and Mr. Rabindra Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
07.01.2024, in connection with Alamganj P.S. Case No. 1091 of
2023, F.I.R. dated 29.11.2023 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The F.I.R. of the occurrence of murder is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the



petitioner has been transpired on the basis of the restatement of the informant and even the person who was present at the place of occurrence has not stated anything about the petitioner and except the restatement of the informant, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.01.2024.

5. The learned Additional Public Prosecutor for the State as well as learned counsel for the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the petitioner is not named in the F.I.R., 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 A.C.J.M. IV, Patna City, Patna in connection with Alamganj P.S. Case No. 1091 of 2023, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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