

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72830 of 2022

Arising Out of PS. Case No.-550 Year-2019 Thana- BARH District- Patna

Chandan Kumar Son of Satendra Prasad R/O Village- Nasirnachak, P.S.-
Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt made on behalf of the petitioner for grant of bail. Earlier, twice, his prayer for bail has been rejected vide Annexure-1 Series to this bail application.

3. The petitioner seeks bail in connection with Barh P.S. case No. 550 of 2019 instituted for the offences under Section 395 of the Indian Penal Code.

4. As per the prosecution case, it is alleged that on 11.11.2019 at about 9.30pm, while the informant being driver of the pick-up van bearing Registration NO. BR01GH8839 was proceeded from Patna towards Banka, Naugachiya and Bhagalpur with loaded goods of Blue Dart and Raj Express



worth Rs. 15 lacs. In the meantime, 10 to 12 persons over took the pickup van of the informant, and all the accused persons who were aged about 20 to 30 years having pistol in hand, forcibly, took the informant in their Scorpio on gun point and tied his hands and legs and they left him in Gonama Chaur after snatching Rs. 920/- and mobile. It is further alleged that on the way to Barh, he found his pick-up van but goods were missing.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. Petitioner is not named in the FIR. The name of the petitioner has transpired on the basis of confessional statement of the co-accused Azad Kumar and Vikash Kumar. The co-accused persons, Ashlok Yadav and Vikash Kumar have already been granted bail by the Coordinate Benches of this Court vide Cr. Misc. No. 19642 of 2021 and Cr. Misc. No. 65304 of 2021 respectively. Learned counsel further submitted that T.I.P. has not been conducted till date. No incriminating article has been recovered from the possession of this petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.09.2020 and has nineteen criminal antecedents. Learned counsel for the petitioner submits that firstly, this Court by order dated



29.11.2021 passed in Cr. Misc. No. 22757 of 2021 has rejected the bail application of the petitioner on the ground of serious nature of other criminal cases pending against the petitioner. Again, this Court while rejecting the bail application of the petitioner by order dated 06.04.2022 passed in Cr. Misc. No. 4976 of 2022 has directed the Court below to expedite the trial and further observed that if no substantial progress was made in the trial, the petitioner was given liberty to renew his prayer for bail after six months.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Earlier, by order dated 01.02.2023, a report regarding the present stage of trial was called for from the court below which has been received and kept at Flag-A. From perusal of the said report, it appears that after commitment, charge has been framed against all the 10 accused persons and the case is pending at the stage of prosecution evidence and no any evidence has been recorded as yet.

8. Considering the aforesaid facts and circumstances of the case, charge has already been framed against this petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



9. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barh P.S. case No. 550 of 2019.

(Rudra Prakash Mishra, J)

Alok Verma/-

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