

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78655 of 2024

Arising Out of PS. Case No.-692 Year-2024 Thana- JAHANABAD District- Jehanabad

Chandan Kumar S/o- Ram Ishwar Yadav Village- Dewariya, P.S. Jehanabad,
Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Ms. Priyanka Singh, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-12-2024 Heard Learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The present Criminal Miscellaneous Application has been filed under Sections 483 and 484 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') for seeking regular bail in connection with Jehanabad P.S. Case No. 692 of 2024 lodged on 30.08.2024 under Sections 126(2), 115(2), 132, 121, 121(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the FIR has been lodged against three named accused persons including the present petitioner against whom there is allegation that all the accused persons in connivance with each other have attacked a police



Constable as well as the informant.

4. Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. As per the FIR, it transpires that there is no act or overt-act against the petitioner, rather, it is against other accused persons. He further submits that for the said date and place of occurrence, there is a counter case filed namely Complaint Case No. 537 of 2024 in which defense has been taken that the police Constable reached the shop of the petitioner for photocopy free of cost, but it was opposed by the shopkeeper. Thereafter, other police party reached there and in protest, scuffling took place. The dominant intention of the petitioner was to free himself from the hold of the police personnel and not to cause any grievous hurt. Senior Counsel further submits that the criminal antecedent of the petitioner is clean and he is in custody since 31.08.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In response thereof, Learned Senior Counsel for the petitioner submits that as per the FIR, it is not clear what duty the police personnel and the police Constable are doing at the place of occurrence on the alleged date and time and if there is no explanation for the same, then the version of the petitioner



made in the complaint petition be accepted.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1)(d) of the BNSS to the satisfaction of C.J.M., Jehanabad in connection with Jehanabad P.S. Case No. 692 of 2024, subject to the conditions as laid down under Section 480(3) of the BNSS.

(Dr. Anshuman, J)

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