

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27562 of 2023

Arising Out of PS. Case No.-517 Year-2020 Thana- PATRAKARNAGAR District- Patna

Md. Chand Son of Md. Jawad, Resident of Village-Purani Bazar,
Bakhtiyarpur, P.S.-Bakhtiyarpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Senior Advocate Mr.Rajiv Kumar Goshwami, Advocate Ms.Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

13 10-01-2025 Heard Mr. N.K.Agrawal, leaned Senior Advocate

along with Mr. Rajiv Kumar Goshwami and Ms. Diksha
Kumari, learned counsels appearing on behalf of the petitioner
and Mr. Anil Kumar Singh, learned APP for the State.

2. The petitioner seeks regular bail in connection with
Patrakar Nagar P.S.Case No.517 of 2020, registered for the
offences punishable under Section 394 of the Indian Penal
Code.

3. The petitioner had earlier moved before this Court
for grant of regular bail by filing Cr. Misc. No. 10233 of 2022,
which was rejected by this Court on 06.09.2022.

4. Now, in the changed circumstances on the ground
that the charge-sheet has been submitted and the charge has not



been framed against the petitioner and no action has been taken by the Police under Section 228 of Cr.P.C., the petitioner seeks to be released on bail.

5. Learned counsel appearing on behalf of the petitioner submitted that though the petitioner is accused in eight other criminal cases, in which he has already been released on bail, as such, the vital fundamental right of the petitioner under Article 21 of the Constitution of India is being frustrated.

6. Learned counsel also submitted that the petitioner undertakes that he will not be involved in any crime after he is released on bail. Learned counsel has also received instruction from the *Pairvikar* that the petitioner's father and mother will not allow the petitioner to indulge in such crime

7. Learned counsel for the petitioner further submitted that since the petitioner is in custody since 05.01.2021 and the trial is on very initial stage, the petitioner deserves to be released on bail.

8. Learned APP appearing for the State has vehemently opposed the prayer for grant of bail to the petitioner and he has submitted that the police would take appropriate action to get the trial expedited. At the same time, he submitted that the petitioner does not deserve to be released on bail



considering the fact that the petitioner is accused in eight other criminal cases and if he is released, it will not be in the interest of society. Learned counsel also submitted that no information has been given as to whether father and mother of the petitioner are also involved in any criminal case.

9. Having considered the rival submissions made on behalf of the parties, as well as, the undertaking give by the petitioner that he will not be involved in criminal activities in future and the trial is at very initial stage, I find it proper that any close relative of the petitioner, who is the man of means and dignity shall furnish the bail bond of the petitioner at the time of furnishing bail bond and the petitioner shall also furnish his personal bond disclosing that he will not be indulged in crime in future and he shall also give information that during the entire period of custody, no criminal case has been lodged against him. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM VIII, Patna in connection with Patrakar Nagar P.S. Case No. 517 of 2020, 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 concerned.

- (3) If the petitioner tampers with the evidence or the witnesses of the case, the prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) The district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force..

(Purnendu Singh, J)

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