

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46316 of 2025

Arising Out of PS. Case No.-543 Year-2024 Thana- MOKAMAH District- Patna

Chandan Kumar S/o- Jagdish Mahto R/o- Purana Issua, PS-Samera , District-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Mr. Suraj Kumar, learned counsel for the

petitioner and Mr. Shailendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mokama P.S. Case No. 543 of 2024, F.I.R. dated 14.12.2024 for the offences punishable under Section 106(2) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, the father of the informant was hit by an E-rickshaw which resulted into his death.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. His name has been transpired on the basis of the disclosure made by the owner of the E-rickshaw



in question, namely, Ravindra Kumar and he has informed the police that the petitioner was the driver of the said E-rickshaw at the time of incident. He further submits that from perusal of the F.I.R it appears that the accident was not intentional and petitioner has no intention to kill the father of the informant and in fact, the police have lodged the case under Section 106(2) of the Bhartiya Nyaya Sanhita and apart from that the F.I.R has been filed after delay of 6 days from the date of occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Mokama P.S. Case No. 543 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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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