

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87720 of 2024

Arising Out of PS. Case No.-28 Year-2021 Thana- KOCHAS District- Rohtas

Chandan Yadav S/O Late Kamlesh Yadav Resident of Village- Salathua, P.S. -
Kudra, District- Kaimur(Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP
For the Informant	:	Mr. Rajesh Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2025 Heard Mr. Raj Kumar learned counsel for the
petitioner and Mr. Rajesh Kumar Mishra representing the
informant as also learned APP for the State.

2. The petitioner is in custody in connection with
S.Tr. No. 535 of 2023 (arising out of Kochas (Parsathua O.P.)
P.S. Case No. 28 of 2021) for the offence punishable under
sections 302, 307, 120(B) and 34 of the Indian Penal Code and
section 27 of the Arms Act, lodged on 28.02.2021 by the
informant, Manjiv Mishra.

3. As per the prosecution story, the informant alleged
that in the evening when he was coming down stairs while his
brother (deceased) was coming in opposite direction, Chunnu
Rai @ Sarvotam Kumar Rai and Niranjana Rai along with



unknown accused persons informed them he Sanjeev Mishra and thereafter the two boys opened fire which hit his brother, the informant hide and as such could save himself as the locals assembled, he took his brother to hospital but on way found him dead. Accordingly, the F.I.R.

4. Subsequently, investigation took place and the name of this petitioner cropped up as one of the accomplice.

5. Learned counsel for the petitioner submits that he has remained in custody since 05.07.2022 (paragraph no.4 of the petition) only because he has criminal antecedent, has been implicated, if granted bail, he shall be diligently appearing in trial and failing even for a day, his bail bond may be canceled. Further, he shall not indulge in any criminal activity and shall be appearing before the concerned Police Station every week.

6. In this case, informant is appearing and submitted that the petitioner had a role to play in the alleged act and further, the Investigating Officer and the Medical Officer are to be examined.

7. A report was also called for which has come vide letter no. 13 dated 11.03.2025 according to which, the prosecution witnesses were examined on consecutive dates and as per the letter, the next date of hearing was 19.03.2025.



8. Taking into account the aforesaid facts and the submissions put forward by the parties as also that despite the last order, the trial could not be concluded and an undertaking has been given by the petitioner that he shall be diligently appearing in trial as also before the concerned Police Station every week failing which the State shall be free to take steps for cancellation of his bail bonds, in that background, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 19th Additional Sessions Judge, Rohtas at Sasaram, in connection with S.Tr. No. 535 of 2023 (arising out of Kochas (Parsathua O.P.) P.S. Case No. 28 of 2021), subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every week for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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