

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32281 of 2017**

Arising Out of PS.Case No. -19 Year- 2014 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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1. KANHAI KUMAR @ KANHAIYA KUMAR @ KANHAI SAH Son of  
Krishna Sah, Resident of Village- Thikha Mataiya, P.S.- Vaishali, District-  
Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      11-08-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in custody since 30.03.2017 in  
connection with Lalganj P.S. Case No. 19/14 for offences  
punishable under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the driver of Bolero  
car, is that while he was going to pick his master, on the way some  
unknown persons snatched the Bolero car along with some money.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, not named in the First Information  
Report and his name surfaced on the confessional statement of  
Ashish Ranjan and Rajdeo Singh before the police, which has no  
evidentiary value in the eye of law. He submits that charge-sheet



has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It is further submitted that some of the co-accused have been granted privilege of bail by Coordinate Benches of this Court, one of them being Cr. Misc. No. 24956 of 2017 on 24.07.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in cases of similar nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 19/2014, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Rajesh/-

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