

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34717 of 2017

Arising Out of PS.Case No. -50 Year- 2017 Thana -BASANTPUR District- SIWAN

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Kanhaiya Rai @ Kanhaiya Kumar Rai son of Late Bunni Lal Rai Resident
of Village - Barwa Kala, Police Station - Basantpur, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody in connection with Basantpur P.S. Case No. 50 of 2017 registered for the offence punishable under Section 307 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is, as lodged by the informant, is that while he was going along with husband of the Mukhiya, namely, Manager Pandit, two miscreants on a motorcycle fired on the husband of the Mukhiya, which hit his throat. Two other miscreants on a motorcycle were accompanying him.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information



Report and it is only on the basis of his extra judicial confession before the police, which has no evidentiary value in the eye of law, that he has been made accused. The main allegation is upon Raja Khan, who had fired and the petitioner is alleged to be only his accomplice. He submits that just because he has a criminal antecedent, that he has been made accused in the present case. It is also submitted that the injured was examined after 20 days of the alleged occurrence and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. Petitioner is languishing in custody since 14.02.2017.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that petitioner has five cases pending against him although of different nature.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 50 of 2017, 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 on each and every date 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 petitioner will not induce or tamper with the prosecution witnesses and if same is brought to light, prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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