

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38530 of 2018

Arising Out of PS.Case No. -59 Year- 2016 Thana -MARANCHI District- PATNA

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Kanhaiya Kumar S/o Shankar Singh, R/o Vill.- Maranchi, P.S.- Maranchi,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody in connection with Maranchi P.S. Case No. 59/2016, for offences alleged under Sections 341, 307, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

The prosecution case as lodged by the informant is that the petitioner and Bambam Singh were accused in Maranchi P.S. Case No. 75/2013 and informant being Sarpanch of Maranchi Panchayat was a witness. It is alleged that the petitioner along with other co-accused abused and tried to catch hold of him. The petitioner is alleged to have fired from his gun, but the informant escaped.

It has been submitted by the learned counsel for



petitioner that he is innocent and no such allegation is true against him, as the said Maranchi P.S. Case No. 75/2013 has been disposed of in Sessions Trial No. 307/15 on 17.08.2016 prior to the alleged occurrence, in which the petitioner has been acquitted. He submits that there is no question of pressurising the informant not to depose as a witness in the said case, as it was already a disposed of matter. It is further submitted that co-accused has already been granted the privilege of bail by a coordinate bench of this Court in Cr. Misc. 53741/2016 vide order dated 21.12.2016 and the petitioner has been remanded in the present case on 04.01.2018.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have clean antecedent.

Considering the facts and circumstances of the case and material on record, let the petitioner named above, 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 the learned Additional Chief Judicial Magistrate, Barh, Patna, in connection with Maranchi P.S. Case No. 59/2016, subject to the condition that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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