

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.474 of 2018

Arising Out of PS. Case No.-113 Year-2017 Thana- MATIHANI District- Begusarai

Kanhaiya Kumar Son of Bibhishan Kunwar, Resident of Village- Kaithma,
Police Station- Begusarai Muffasil, District- Begusarai under the guardianship
of maternal uncle of the petitioner namely Arvind Kumar Roy, son of late
Vakil Roy. Resident of village-Dumaria Khurd, P.S. Prabatta, District-
Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjana, Adv.

For the Respondent/s : Mr. Sri Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 13-02-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 28.11.2017 passed in Cr. Misc. No.
47243 of 2017.

Petitioner is languishing in judicial custody since
11.07.2017 in connection with J.J.B. Case No. 180 of 2017
arising out of Matihani P.S. Case No. 113 of 2017, G.R. No.
2453 of 2017 for offences punishable under Sections 326,
302/34 of the Indian Penal Code and Section 27 of the Arms



Act.

The prosecution case as lodged by the informant, is that the petitioner along with co-accused Golu Kumar took away his 20 year old son to the house of one Ramashish Singh where the petitioner along with four others had severely injured the informant's son by means of assault by iron rod and of firing on which the informant's son died during course of treatment.

It has been submitted by the learned counsel for the petitioner is that he is innocent and is being tried by Juvenile Justice Court and during course of investigation, it came to light that co-accused Golu Kumar fired on the deceased and the petitioner along with others had beaten the deceased by means of iron rod. He submits that the cause of death as per postmortem report is due to firearm injury and by sharp cutting weapon and not injury by hard blunt substance as per the confessional statement of the petitioner the assault was by hard and blunt substance. It is further submitted that charges have been framed on 11.10.2018 but none of the witnesses have been examined by the Juvenile Court, Begusarai. The petitioner undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner along with



others were instrumental in killing the informant's son.

In this regard, a report was called for from the court of the learned Additional Sessions Judge, I-cum-Presiding Officer, Juvenile Court, Begusarai and a letter has been received dated 10th January, 2019 stating therein that there are seven charge-sheeted witnesses but none of them have been examined as yet.

Considering the facts and circumstances of the case and materials on record, let the 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 the learned Juvenile Court, Begusarai in connection with J.J.B. Case No. 180 of 2017 arising out of Matihani P.S. Case No. 113 of 2017, G.R. No. 2453 of 2017, subject to the conditions:-

(1) 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.

(2) The 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.

(3) 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)

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