

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6566 of 2020

Arising Out of PS. Case No.-201 Year-2019 Thana- SIMRI District- Darbhanga

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KANHAIYA KUMAR S/o Ram Babu Paswan Resident of Village- Simri,
P.S.- Simri, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-06-2020 The proceedings of the Court are being conducted
through Video Conferencing and the Advocates joined the
proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 399, 402, 412 and
120B of the I.P.C.

Informant is the Police Officer who in his self
statement has alleged that while he alongwith other police
personnel were on patrolling duty and as he reached near Durga
Mandir, he saw one person started fleeing on seeing the police
and after chase he was arrested and disclosed his name as Suraj
Kumar and on search 3 mobiles, one fighter and one purse was



recovered and he disclosed the name of other co-accused including petitioner who have used to commit loot on N.H. 57. Thereafter on search 2 mobile was recovered from the house of Kanhaiya Kumar (petitioner).

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case due to dirty village politics. His name has surfaced in this case on the basis of confessional statement of co-accused Suraj Kumar who was apprehended by the police. There is general and omnibus allegation against petitioner and no specific overt act has been alleged against him. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Simri P.S. Case No. 201 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having



sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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