

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18327 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- NAANPUR District- Sitamarhi

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KANHAI KUMAR Son of Baliram Jha Resident of Village - Kharka, P.S.-
Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Pushpendra Kumar Singh, the learned counsel appearing for the petitioner and Smt. Anita Kumari Singh, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Nanpur P.S. Case No. 45 of 2020 for the offence punishable under Sections 341, 323, 354, 452, 353, 427, 504, 506, 34, 354(B), 307 of the Indian Penal Code and Section 37(a) (b)(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation is that on 06.02.2020 at about 8 P.M., the informant is stated to have received information that 4-5



persons had entered into Kasturba Gandhi Girls Hostel, Kharka in a drunken condition and had assaulted the warden as also had tried to misbehave with the girls residing in the hostel, whereafter the informant along with armed force had arrived at the hostel and had found the accused persons assaulting a lady and then the said person was arrested, who was found in a drunken condition as also had disclosed his name as Rishikesh Kumar. Upon interrogation, the said co-accused person namely Rishikesh Kumar had disclosed the names of other co-accused persons before the police, including that of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused person, namely, Rishikesh Kumar and, in fact, the petitioner has got nothing to do with the alleged incident which is apparent from the fact that no allegation of any sort of specific overt act or having misbehaved with the girls has been leveled against the petitioner herein, hence it is submitted that the petitioner deserves to be granted the privilege of regular bail. It is also submitted that the petitioner is having a clean antecedent and is languishing in



custody since 9.2.2020.

Per contra, the learned APP appearing for the State has submitted that the petitioner is named in the FIR and there is specific allegation against him.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also considering the fact that admittedly there is no specific allegation of any sort of overt act or misbehavior with the girls qua the petitioner herein and the petitioner is having a clean antecedent as also is languishing in custody since 9.2.2020, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge (Excise), Sitamarhi in connection with Nanpur P.S. Case No. 45 of 2020.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge (Excise), Sitamarhi in connection with Nanpur P.S. Case No. 45 of 2020, failing which the present



privilege of bail being extended to the petitioner shall stand
revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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