

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 26301 of 2020**

Arising Out of PS. Case No.-199 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

KANHAIYA KUMAR RAI @ KANIAYA KUMAR RAI @ KANHAIY RAI  
@ KANHAIYA KU RAI Son of Late Buni Lal Rai Resident of Village-  
Barwan Kala, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr Shyam Kr Singh, APP

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      13-10-2020**                      As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

The petitioner seeks bail in Bhagwanpur Hat Police Station (for brevity, PS) Case No 199 of 2019 instituted for the offence punishable under Sections 399, 402, 413, 414 of Indian Penal Code and Sections 25 (1-b) a, 26, 35 of Arms Act.



The police, on information regarding assembly of persons for committing an offence, have reached the place from where one country made pistol and live cartridges have been recovered from the petitioner's possession.

Submission is of false implication and that earlier prayer of the petitioner for bail was rejected by this Court on 28.02.2020 in Cr Misc No 3593 of 2020 with liberty to renew the prayer after seven months or on framing of the charges, whichever is earlier. The charge, as per petitioner's counsel, has not been framed.

The learned APP for the State has opposed the prayer for bail.

Considering the liberty granted by this Court in the order dated 28.02.2020 passed in Cr Misc No 3593 of 2020, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in Bhagwanpur Hat PS Case No 199 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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