

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40615 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- CHIRAIYA District- East Champaran

Kanhaiya Kumar @ Bir Bahadur Kumar aged about 22 years (male) Son of
Late Jamadar Sah Resident of Village-Shikarganj, Police Station- Shikarganj,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-02-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Chiraiya (Shikarganj) P.S.
Case No. 158 of 2020 registered for the offence under Section
394/34 of the Indian Penal Code.

As per the prosecution case, on 01.06.2020 at 12.00
hrs. (night), while the informant was sleeping in his shop, he
heard some noise and awoke and then he saw accused persons
including this petitioner armed with knife were committing
robbery in his shop and when it was objected by informant, he
was assaulted by knife and this petitioner has been alleged that
he looted Rs. 6500/- from the cash box of informant. It is further
alleged that when the informant raised *hulla*, some nearby shop



owners came to save him, then all the accused persons started fleeing away, however; petitioner was caught by them on the spot.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and there is general and omnibus allegation. No incriminating article has been recovered from the possession of the petitioner. Petitioner has got clean antecedent, which fact has been stated in paragraph – 3 of the petition and he is in custody since 02-06-2020. Chargesheet has already been submitted.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, District – East Champaran in connection with Chiraiya (Shikarganj) P.S. Case No. 158 of 2020 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.



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

(Prabhat Kumar Singh, J.)

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