

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 4548 of 2021**

Arising Out of PS. Case No.-109 Year-2020 Thana- NAUGACHIA District- Bhagalpur

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KANAHAIYA KUMAR Son of Lakshmi Sahani Resident of Village-
Shaligrami, P.S.-Sahebpur Kamal, District-Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Paras Nath, Advocate

For the Opposite Party/s : Ms Rina Sinha, APP
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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-06-2021 This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Naugachia Police Station (for
brevity, *PS*) Case No 109 of 2020 instituted for the offence
punishable under Sections 302/34 of Indian Penal Code and
Section 27 of Arms Act.

The informant has alleged that his son was called by co-
accused Harsh Singh Rajput where other co-accused persons,
including the petitioner, were awaiting for his arrival. It is
stated that co-accused Bharat Paswan has fired upon his son and
as a result of firearm injury sustained, informant's son died.



Learned counsel for the petitioner submits that the petitioner has no connection with the occurrence and has falsely been implicated in this case. Even, as per allegation made in the First Information Report (for brevity, *FIR*), at best, the petitioner is member of the unlawful assembly. Firearm injury has been attributed to co-accused Bharat Paswan. The petitioner, having no criminal antecedent, is in custody since 02.06.2020. Ashutosh Chaudhary (co-accused), assigned similar role as the petitioner in the FIR, has been allowed bail by this Court in Cr Misc No 39927 of 23020.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, 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 Additional Chief Judicial Magistrate I, Naugachia, Bhagalpur in connection with Naugachia PS Case No 109 of 2020 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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