

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9350 of 2021

Arising Out of PS. Case No.-302 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Kanhaiya Kumar Chaudhary S/O Uma Shankar Baitha @ Uma Shankar
Chaudhary R/O Village-Kuriya, P.S-Pipra, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Piprakothi P.S.
Case No. 302 of 2020 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code and 25 (1-b) a, 26, 35, 27
of the Arms Act.

Allegation against the petitioner is that he along with other co-
accused persons fired with country made pistol on the head of the
informant's brother as a result of which he died.

It is submitted by learned counsel for the petitioner that
petitioner has falsely been implicated in this case and has not



committed any offence as alleged in the FIR. No incriminating article has been recovered from his conscious physical possession. He submits that specific allegation of firing, on the head of the informant's brother, is upon the co-accused *Chunnu Sahani*. He further submits that petitioner has gone with the other co-accused persons to pacify the dispute between main assailant and informant's brother, as a result of which he has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has one criminal antecedent as has been mentioned in para 3 of the present bail petition and he has been languishing in custody since 26.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Piprakothi P.S. Case No. 302 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other



case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

GAURAV S./-

(Anjani Kumar Sharan, J)

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