

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13477 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- NIMACHANDPURA District- Begusarai

Kanhaiya Kumar @ Kanhaiya Jee Son of Late Baidya Nath Singh @ Late Baij Nath Singh @ Late Munna Singh @ Late Gopal Singh Resident of Village - Chandpura, Ward no.15, Bhitha Tola, P.Is.- Neemachandpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

1 16-08-2022 Heard learned counsel for the petitioner and leaned A.P.P. for the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case registered for the offences punishable under Sections 147, 148, 149, 452 and 307 of the Indian Penal Code and under Section 27 of Arms Act.

The prosecution case, in short, is that five co-accused persons and some unidentified persons surrounded the informant's house and opened firearm towards the doors and windows of the informant's house due to which, informant's daughter has sustained firearm injury on her thigh.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been implicated in this case on the basis of suspicion. Further, it is submitted that there is omnibus allegation against all accused persons and injury report shows that nature of injury is simple in nature. It is further submitted that other co-accused person namely, Ravikant Kumar @ Rabikant Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 11.07.2022 passed in Criminal Miscellaneous No. 13693 of 2022. The petitioner is in custody since 15.12.2021, charge-sheet has been submitted and has antecedent of two cases.

Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Court Judicial Magistrate, 1st Class, Begusarai in connection with Neemachandpura P.S. Case No. 69 of 2021 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every dated fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) 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.

(4) 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.

(Khatim Reza, J)

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