

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18396 of 2022**

Arising Out of PS. Case No.-373 Year-2019 Thana- BAKHTIYARPUR District- Patna

KANHAIYA KUMAR SON OF SUNIL RAM R/O VILLAGE- PURANI
BAZAR, BAKHTIYARPUR, P.S.- BAKHTIYARPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 395 of the Indian Penal Code.

As per the F.I.R., 10-12 persons armed with Katta
committed robbery in the house of informant and took away
gold, silver ornaments, cash and watches.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R. but merely on the
basis of confessional statement of the co-accused persons,
he has been made accused in this case. He further submits



that, in fact, nothing has been recovered from the conscious possession of the petitioner nor any T.I.P. has been conducted by the prosecution. He further submits that similarly situated co-accused, namely, Ravi Kant Sharma @ Ravi Singh @ Dasnumbari @ Laulha, Kundan Kumar, Gautam Kumar and Sumit Kumar @ Sumit Paswan have already been granted bail by different co-ordinate Benches of this Court vide order dated 07.06.2022, 21.02.2022, 02.02.2021 and 21.02.2022 passed in Cr. Misc. No. 8984 of 2022, Cr. Misc. No. 54615 of 2021, Cr. Misc. No. 3710 of 2020 and Cr. Misc. No. 55166 of 2021, respectively. The petitioner is rotting in judicial custody since 15.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Bakhtiyarpur P.S. Case No. 373 of 2019 with the following conditions:-



(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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