

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36945 of 2021

Arising Out of PS. Case No.-219 Year-2017 Thana- ATHMALGOLA District- Patna

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KANHAIYA KUMAR @ KRISHNA KANHAIYA Son of Satya Narayan
Singh Resident of Village - Rampur Dumra, P.S.- Maranchi (Panchmahla
O.P.), Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302, 120B and
34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the
informant that her son was murdered in the year 2015 and the
trial of the said case was going on. The accused persons hatched
a conspiracy in the jail. It is stated that the twelve named
accused persons and four unknown surrounded the husband of
the informant and as a result of firing by the accused Santosh
Kumar, Gaurav Kumar, Ranjit Kumar and Shubham Kumar, he
died.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. From perusal of the FIR itself it would be evident that no overt act has been alleged against this petitioner. The petitioner is in custody since 8.2.2021 and his case stands on a similar footing to a number of co-accused who have been enlarged on bail vide orders contained in Annexure-2 series to this petition. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations in the FIR, grant of bail to the other co-accused vide orders contained in Annexure-2 series and the petitioner having remained in custody for about 11 months, the petitioner is directed to be enlarged on bail in connection with Athmalgola P.S. Case no. 219 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Barh, Patna.

(Partha Sarthy, J)

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