

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31661 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- BALIYA District- Begusarai

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KANHAIYA KUMAR S/o Late Kailash Ray Resident of Village-Bhagatpur,
P.S.- Baliya, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 411, 413 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act.

Two mobile phones were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing



incriminating article has been recovered from the conscious possession of the petitioner and only two mobile phones have been recovered from the possession of the petitioner. Hence, no case is made out under the Arms Act. He further submits that co-accused namely Nitish Kumar has been granted bail by this Court vide order dated 22.07.2022 in Cr. Misc. No. 17815 of 2022 and another co-accused namely Golu Kumar has been granted bail vide order dated 23.08.2022 in Cr. Misc. No. 26758 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Balia P.S. Case No. 363 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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