

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42068 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- SINGHIYA District- Samastipur

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KANHAIYA KUMAR Son of Gulshan Sahu Resident of Village- Singhiya,
P.S.- Singhiya, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. R. B. Roy Raman

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Singhiya Police Station Case No. 175 of 2019, registered for the offences punishable under Sections 307/323/324/325/341/34 of the Indian Penal.

The prosecution case, as per the First Information Report, is that the petitioner, along with five accused persons, assaulted the son of the informant by means of Khukhri, farsha, sword, lathi, rod etc.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village rivalry and he has not committed any offence in the manner alleged. He further submits that the occurrence has taken place



on 03.11.2019, but the First information Report has been lodged by the father of the injured after a delay of about 17 days. He further submits that the allegation against the petitioner and other accused persons is general and omnibus in nature and some of the accused persons have been granted bail by the learned Court below itself, which would be evident from the impugned order. He further submits that no fardbayan of the victim/injured has been recorded at any of the hospitals in which the injured has received treatment. He further submits that the parties have entered into compromise, which would also be evident from the impugned order. He further submits that without prejudice to the same, charge sheet has already been submitted and the petitioner is in custody since 08.04.2021.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the allegation against the petitioner is general and omnibus in nature, he is in custody since 08.04.2021, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Rosera, Samastipur, in connection with Singhiya Police Station Case No. 175 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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