

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34906 of 2022**

Arising Out of PS. Case No.-65 Year-2022 Thana- SARE District- Nalanda

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KANHAIYA BIND @ KANAHAIIY BIND, S/o Kaleshar Bind @ Kaileshar Bind R/o village- Kaila, P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====  
**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray,APP  
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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      23-09-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sare P.S. Case No. 65 of 2022 registered for the alleged offences under Sections 341, 323, 324, 326, 307, 504 and 506/34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons riding a motorcycle dashed it with the informant and when the informant scolded them, they left the place giving threats to the informant. Later on, the petitioner and other co-accused persons, variously armed, came and started



assaulting the informant. Co-accused Shatrughan Kumar gave a number of blows with his knife on different parts of the body of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. For the occurrence, on same date, the wife of the co-accused Chintu Kumar filed a Complaint Case No. 258C of 2022 in the court of learned Chief Judicial Magistrate, Nalanda wherein she has stated that petitioner and co-accused Satrughan Kumar were assaulted and this petitioner stabbed one Tittu Yadav. The present case has been lodged as counter blast. The learned counsel further submits that the injuries on the person of the informant were found to be simple in nature and caused by sharp cutting substance. It is clear from the F.I.R. that specific allegation of stabbing has been made against co-accused Satrughan Kumar and hence, there will be no application of Section 307 of I.P.C. against this petitioner. Even otherwise, allegations against the petitioner are mostly general and omnibus and there is no specific allegation of assault against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 07.04.2022. The petitioner has got clean antecedent. The co-accused has been granted bail by a



Coordinate Bench vide order dated 20.09.2022 passed in Cr. Misc. No. 36201 of 2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation for any overt act against this petitioner and also considering his period of custody along with submission of charge sheet and the clean antecedent of the petitioner, the petitioner above named is directed to 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 Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sare P.S. Case No. 65 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present



on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

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