

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45144 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

KANHAIYA LAL Son of Bhuneswar Lal Resident of Village - Bihiya, Ward
No.- 2, P.S.- Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 12-10-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Udwantnagar Police Station Case No. 03 of 2021, registered for
the offences punishable under Section 394 of the Indian Penal
Code.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the application for regular bail
of the petitioner was permitted to be withdrawn by this Court,
vide order, dated 26.04.2022, passed in Criminal Misc. No.
42765 of 2021, giving liberty to the petitioner to renew his
prayer for bail after three months from the date of the order.

The prosecution case, as per the First Information



Report, is that the informant was intercepted by four unknown miscreants, sitting on two motorcycles, and the miscreants snatched the mobile phone and the purse, containing Rs. 2,500/- and ATM of the informant and one of the accused persons also fired upon the informant, which hit him on his right thigh.

Learned Counsel for the petitioner submits that the petitioner is not name in the First Information Report and his name has transpired on the basis of the confessional statement of co-accused Arun Yadav and the self-inculpatory statement of the petitioner. He further submits that even if the confessional statement is taken at its face value, co-accused Arun Yadav has stated that gun shot was fired by co-accused Himanshu Singh and not this petitioner. He further submits that the petitioner is in custody since 28.01.2021, having no criminal antecedent and the trial has not progressed from the date of last rejection of the prayer for bail of the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent, he is in custody since 28.01.2021, charge sheet has been submitted against the petitioner and this is second attempt on behalf of the petitioner for grant of regular bail, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Udwantnagar Police Station Case No. 03 of 2021.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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