

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66107 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- ANDHRAMATH District- Madhubani

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KANHAIYA @ KANHAIYA KUMAR SINGH Son of Ram Chandra Singh
@ Ram Narayan Singh Resident of Village - Tshalhi, P.S.- Andharamath,
Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual mode.

The petitioner seeks bail in connection with
Andharamath P.S. Case No. 13 of 2021 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 332, 333, 353, 379, 411, 272, 273 of the Indian Penal Code
read with Section 30(a) of the Bihar Prohibition & Excise Act,
2016.

As per prosecution case, the informant along with
other police officials were on patrolling between pillar no. 232
and 233 in 100 meter of international border line. In the



meantime i.e. on 30.01.2021 at 02:30 AM three persons were coming from Nepal carrying bags on their heads. The informant indicated to stop whereupon all three persons throwing their bags began to fly but out of three persons one was caught hold. Thereafter other two persons returned back and scuffled with the informant and 20-22 other persons also came there and began to assault the informant with their slaps. It is further alleged that petitioner tried to snatch his SMG Butt No. 42, Registration No. 15375081 and he also assaulted the informant on his head by means of lathi and snatched his SMG Butt No. 42 and fled away. Informant made a search in that locality and recovered three bags containing 359 bottles Nepali wine each containing 300 ml. It is also alleged that said SMG Butt no. 42 was recovered and was handed over by Block Pramkukh in presence of S.H.O., Andharamath.

Learned counsel for the petitioner submits that petitioner is in custody since 12.08.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel further submits that petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. He further submits that



from tower location and CDR it appears that name of present petitioner was not found in the list of tower location as well as CDR. It is also submitted by the counsel of the petitioner that the informant belongs to the State of Assam and out of 20-22 unknown persons how and by which means he has identified the name of petitioner without any disclosure which itself reflects that petitioner has falsely been implicated in this case at the instance of his enemies due to local village politics. He further submits that alleged recovery of 107.7 litre Nepali wine has been made from international border line. He further submits that informant was medically examined by the medical officer and a lacerated wound has been found over the occipital region and nature of injury was found simple in nature caused by hard and blunt substance.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, 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 A.D.J.-II-cum-Special Judge Excise, Madhubani in connection with Andharamath P.S. Case No. 13 of 2021 corresponding to G.R. No. 184/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) However, at the time of furnishing bail bond the petitioner shall file an affidavit before the court below disclosing this fact that he bears no criminal history prior to the alleged occurrence.

(Alok Kumar Pandey, J)

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