

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62480 of 2022**

Arising Out of PS. Case No.-36 Year-2013 Thana- KHAIRA District- Saran

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KANHAIYA RAI Son of Kedar Prasad Rai Resident of Village- Maksudpur,  
P.S.- Khaira, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.  
Mr. Nalin Kumar, Adv.

For the State : Mr. Uma Shankar Prasad Singh, APP

For the Informant : Mr. Ravi Prakash, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      23-11-2022                      Heard learned counsel for the petitioner, learned APP  
for the State and learned counsel for the informant.

The petitioner has renewed his prayer for grant of  
bail in a case registered under sections 302 and 34 of the Indian  
Penal Code and section 27 of the Arms Act.

The earlier application for bail of the petitioner was  
rejected vide order dated 8.4.2022 passed in Cr. Misc. no.54598  
of 2021.

As per the prosecution case, the petitioner is said to be  
the assailant of the deceased.

It is submitted by learned counsel for the petitioner  
that the petitioner has been falsely implicated in the case for



oblique reasons. It is further submitted that inspite of the petitioner being in custody since 30.5.2013 ie for more than 9 years and 5 months, the trial has still not concluded. He undertakes to cooperate in the trial and abide by all the conditions which may be laid by this Court for his release on bail.

Heard learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that although the trial has not concluded however it is near its end and will conclude as this Court directs.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody for 9 years 5 months since 30.5.2013, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.187(A) of 2014 (arising out of Khaira P.S. Case no.36 of 2013) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 12<sup>th</sup> Additional Sessions Judge, Chapra on the following conditions:

- (i) one of the bailors of the petitioner shall be a close relative of the petitioner.
- (ii) the petitioner shall remain physically present in



the trial court on each date of the trial and shall cooperate in the trial.

**(Partha Sarthy, J)**

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