

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70236 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- KORMA District- Sheikhpura

Kanhaiya Singh @ Kanhaiya Son Of Ganesh Singh R/O Village- Tarhari,
P.S.- Halsi, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-12-2022 This case is listed for out of turn hearing under the heading "To be Mentioned" on account of the fact that the petitioner has to appear in the examination of Graduate Level Joint (PT) Examination, conducted by the Staff Selection Commission, Patna, scheduled to be held on 23rd and 24th of December, 2022.

Heard Ld. counsel for the petitioner and Ld. APP for the State.

The petitioner seeks bail in connection with Korma P. S. Case No. 65 of 2022, registered for the offences punishable under Sections 341, 323, 365, 379, 504, 506 and 120(B) of the Indian Penal Code.



The prosecution story as emerging from the FIR is that wife of the present accused-petitioner is missing. He has suspicion that the informant has abducted his wife and hence he along with the other co-accused came to Nanihal of the informant where he was staying for time being and stated to him that police administration is calling him for interrogation and on such pretext, the informant and his Mama/Ravi Shanker were abducted and assaulted.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is handicapped by one leg on account of Polio and due to his being handicap, his wife has left him. He further submits that the petitioner was not in such a physical condition that he can abduct and assault the informant. It is totally a false case. He also submits that the petitioner is an Engineering Graduate and is preparing for competitive examination and his examination for Staff Selection Commission is scheduled to be held on 23rd and 24th of December, 2022.

The petitioner has been languishing in jail since



14.10.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate, Sheikhpura, in connection with Korma P. S. Case No. 65 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to



issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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