

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5913 of 2023

Arising Out of PS. Case No.-258 Year-2021 Thana- SURYAGARHA District- Lakhisarai

KANHAIYA SINGH @ KANHAIYA KUMAR S/o Suresh Singh R/o
Village- Ramchandrapur, P.S.- Piparia, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Surajgarha P.S. Case No. 258 of 2021 for the offence punishable under Sections 341, 323, 325, 307, 504, 506 of the I.P.C. and 27 of the Arms Act lodged on 13.11.2021 by the informant, Ramnandan Singh.

As per the prosecution story, the allegation is that the accused persons opened fire causing injuries to Ram Narayan Prasad and Shyam Bihari Kumar.

Learned counsel for the petitioner submits that omnibus allegation is made against all the accused persons and though allegation is of indiscriminate firing, the same is not supported by the injury report.

The last submission is that similar placed co-accused



Ravish Kumar and Rajesh Ram have since been granted bail by a coordinate benches of this Court in Cr. Misc. No. 43740 of 2023 and Cr. Misc. No. 32618 of 2022.

Let the same be kept on record.

Learned APP opposes the prayer stating that the allegation is of indiscriminate firing causing injuries to two of the informant's side.

Considering the submission put forward by the learned counsel for the petitioner as also that he is in custody since 24.11.2022 (para-1 of the petition) and the similar placed co-accused as stated above have since been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Surajgarha P.S. Case No. 258 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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