

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10147 of 2023

Arising Out of PS. Case No.-309 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Kanhaiya Singh @ Kanhaiya Kumar S/O Late Kapildev Singh R/o- Harrakh,
Ward No. 12, P.S.- Nagar, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Advocate
For the Informant	:	Mr. Subhash Pandey, Advocate
		Mr. Vinit Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 01.01.2023 in connection with Begusarai Nagar P.S. Case No. 309 of 2022, F.I.R. dated 27.05.2022 for the offences punishable under Sections 448, 384, 387/34 of the Indian Penal Code.

According to prosecution case, as per written report of informant in brief, is that on 04.12.2021 informant was getting his land fenced (Gherabandi). At around 11 A.M. 4-5 unknown armed men came there and said who is the owner of the land who was getting the land fenced. When he told them that he is the owner of the land then they said if the land was to be fenced



then he will have to pay Rs.2,00,000/- when he replied that why he would have to pay Rs.2,00,000/- then they started abusing and bearing him. Then he gave Rs.20,000/- to them out of fear. Thereafter, they threatened to give the remaining amount within a month otherwise the consequences would be very bad when they went away then he inquired about them and he came to know about two of them as Kanhaiya Singh and Pinku Singh and others. It is further alleged that on 11.05.2022 he was informed by his close relative Pawan Kumar over mobile phone that foundation was being laid for construction of a new temple on his land was blocked. After sometime Kanhaiya Singh and Pintu Singh came there and started abusing him and said that if he does not pay the remaining amount then he would face consequence.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. that the date of F.I.R. in first time is 04.11.2021 but the informant has not filed any F.I.R. and thereafter the date of occurrence as alleged in the F.I.R. is 11.05.2022 but the present F.I.R. was instituted on 27.05.2022 after delay of more than 14



days and afterthought the petitioner has falsely implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.01.2023.

The learned counsel for the Informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Nagar P.S. Case No. 309 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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