

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12458 of 2023**

Arising Out of PS. Case No.-366 Year-2022 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

=====  
KANHAIYA KUMAR Son of Vibhisan Kunwar R/o Village - Kaithama, P.S.-  
Mufassil, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====  
**Appearance :**

|                            |   |                               |
|----------------------------|---|-------------------------------|
| For the Petitioner/s       | : | Mr. Shubhesh Pandey, Advocate |
| For the Informant          | : | Mr. Ram Sumiran Rai, Advocate |
|                            |   | Ms. Anita Kumari, Advocate    |
| For the Opposite Party/s : |   | Mr. Anil Kumar, A.P.P.        |

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      04-07-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
23.08.2022 in connection with Mufassil P.S. Case No. 366 of  
2022, F.I.R. dated 11.07.2022 for the offences punishable under  
Sections 341, 323, 302 and 34 of the Indian Penal Code and  
Section 27 of the Arms Act.

According to prosecution case, as per F.I.R. is that the  
informant was going with her son on 10.07.2022 at about 11  
P.M. She was with her younger son Rajesh who was driving the  
motorcycle and her other two sons were on other motorcycle  
namely, Rahul and Ranveer Kumar. When they reached near



Kaima Dhala pipe line then suddenly accused petitioner along with other co-accused persons armed with pistol came in front of them and stopped them. Co-accused Saurav Kumar @ Golu caught Rajesh Kumar and Saurav Kumar fired bullet on his son Rajesh which hit his chest, co-accused Abhimanyu Kumar @ Tupal fired second bullet which hit his neck, co-accused Kanhaiya Kumar and Anmol Kumar also fired one bullet each on Rajesh, then petitioner also fired one bullet on Rajesh due to which he died on spot.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of the F.I.R. it transpires that altogether five persons have fired upon the victim but the postmortem report suggest that only three entry wound injuries were found on the person of the deceased and from the postmortem report it is not clear that who fired upon the victim and whose bullet has touched the body of the victim and in fact the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 23.08.2022.

The learned counsel for the informant and learned



Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one, in which petitioner is on bail in all the cases.

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 Mufassil P.S. Case No. 366 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)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

