

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14575 of 2023**

Arising Out of PS. Case No.-534 Year-2022 Thana- NAWADA District- Nawada

Kanhai Kumar @ Sonu S/O Krishna Sah @ Krishna Saw Resident of village-
Thikhamatiya, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kanchan Kumari, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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

2 15-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.06.2022 in connection with Nawada Nagar P.S. Case No. 534
of 2022, F.I.R. dated 31.05.2022 for the offences punishable
under Sections 413, 414, 420, 467, 468, 471, 120(B) of the
Indian Penal Code.

According to prosecution case, as per written report of
the informant stating therein that on 31.05.2022, while he was
on patrolling duty at about 03:00 P.M. he saw that a car was
going through Kadirganj to Nawada. On seeing the police party
the driver tried to reverse back his four wheeler and fled away,
which was anyhow caught with the help of police party and in
the meantime, three persons were sitting in the car and on



probing they disclosed their names as the accused petitioner and co-accused persons. It is further alleged on search of four wheeler their were more equipment and tools present in the alleged car, about which the accused disclosed that these tool are used in the theft process of cars and vehicles.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. is that the petitioner was caught hand with the other co-accused persons along with the stolen car. He further submits that in fact the petitioner was not arrested with the other co-accused persons and he was arrested from the road side and the police has falsely been implicated in the present case. He further submits that petitioner has no concern at all with the other co-accused persons and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one and 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, Nawada in connection with Town P.S. Case No. 534 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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