

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26421 of 2021

Arising Out of PS. Case No.-130 Year-2017 Thana- SAKRA District- Muzaffarpur

Kanhai Kumar @ Chhotka Son Of Umesh Thakur R/O Village- Harishankar
Maniyari, P.S- Maniyari, Dist- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
19.06.2018, in connection with Sakra P.S. Case No. 130 of
2017, F.I.R. dated 26.04.2017 registered for the offences
punishable under Sections 394, 302/34 of the Indian Penal
Code.

Earlier the bail petition of the petitioner was
rejected vide order dated 21.05.2019 passed in Cr. Misc. No.
16190 of 2019.

Learned counsel for the petitioner submits that the
petitioner carries two more cases other than the present one and
he has been falsely implicated in the present case. He further
submits that the petitioner is not named in the F.I.R. and the
name of the petitioner has been transpired during investigation.



He further submits that the informant is not an eye witness of the alleged occurrence and in test identification parade the witness have identified the petitioner and co-accused person namely Dharmendra Kumar @ Dharma who has taken the name of the petitioner in his confessional statement has been granted bail by a Coordinate Bench of this Court vide order dated 09.02.2018 passed in Cr. Misc. No. 7860 of 2018 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.06.2018.

Vide order dated 29.03.2023, a report was called for with regard to the stage of the trial. The report dated 18.04.2023 of the learned Trial court reveals that out of six chargesheet witnesses, only one witness has been examined in the present case.

Learned counsel for the petitioner submits that in view of the report of the learned Trial court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 19.06.2018.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned 3rd Additional Sessions Judge, Muzaffarpur in connection with Sakra P.S. Case No. 130 of 2017, 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 witness, 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 antecedents, 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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