

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18487 of 2023

Arising Out of PS. Case No.-172 Year-2019 Thana- JANDAHA District- Vaishali

Kanhaiya Kumar @ Kanhaiyalal S/O Manoj Kumar Manohar Resident Of
Village- Arniya (Jandaha), P.S.- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 384, 387, 34 of the Indian Penal Code and Section 27 of Arms Act.

According to the prosecution, while the informant along with his staff were going to their house, meanwhile some unknown miscreants overtook them and opened fire upon them which hit his staff, namely Mukesh Kumar Shukla and thereafter he died during course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he has falsely been



implicated in this case on the basis of suspicion. During course of investigation one of the co-accused namely, Kishan Kumar confessed before the police in another case Jandaha P.S. Case No. 211 of 2019 and on the basis of same, the petitioner has falsely been made accused in the present case. Except confession of the co-accused, nothing has come against the petitioner to show his complicity in the alleged offence. The co-accused Kishan Kumar has already been granted bail by a co-ordinate Bench of this court vide order dated 27.2.2023 passed in Cr. Misc. No. 58055 of 2022, hence, the case of this petitioner stands on similar footing of that of the co-accused. Moreover, the petitioner is languishing in judicial custody since 20.12.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jandaha P.S. Case No. 172 of 2019 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Judicial



Magistrate, 1st Class, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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