

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38152 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- PIPRA District- East Champaran

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KANHAIYA KUMAR @ KANHIYA KUMAR S/O RAM PRAVESH RAI
R/O Village- Chakniya, P.S- Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection with Pipra P.S. Case No.289 of 2022 instituted under Section 302,201,34 of the IPC lodged on 05.10.2022 by the informant Madan Mohan Yadav.

The allegation against the petitioner along with co-accused persons is/are that they committed murder of the son of the informant due to money dispute.

It is the case of the learned counsel for the petitioner is that the perusal of FIR shows that the informant is not an eyewitness to the occurrence and only on the basis of suspicion the petitioner has been named as an accused and further there is no direct evidence against him to implicate in the case and on the basis of confessional statement of Pankaj Kumar, he has



been dragged in this case and is in custody since 08.10.2022 (as stated in para-14 of the petition). Further submission is that some of the co-accused have since been released on bail by this Court in Cr. Misc. No.10389 of 2023 (Nawal Sah) and Cr. Misc. No.16290 of 2023 (Niraj Kumar).

Learned APP opposes the prayer for bail.

Considering the submissions put forward as also that he do not have criminal antecedent and is custody since 08.10.2022 and further some of the co-accuseds have since been released on bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Pipra P.S. Case No.289 of 2022 to the satisfaction of learned 21th Additional Sessions Judge, Motihari, East Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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