

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40219 of 2022

Arising Out of PS. Case No.-740 Year-2014 Thana- KHAJANCHI HAT District- Purnia

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KANHAIYA SHARMA Son of Late Fand Lal Sharma Resident of Village -
Dhobiya Tola, Madhubani, P.s.- K.Hat (Madhubani), Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.J.N. Thakur
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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

7 24-03-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with S.T. NO. 165 of 2022 arising out of K. Hat (Sahayak), P.S.
Case No. 740 of 2014, registered for the offences punishable
under Section 364, 379, 328, 120(B), 302, 201 and 411 of the
Indian Penal Code.

The informant is the son of the deceased Md. Ehsan.
As per allegation, the father of the informant was a tempo
driver, who was driving a tempo of Md. Sabir Ansari. On
08.09.2014, he went with his tempo. At 9.25 pm, the informant
got a telephonic information from his father, asking him to reach
the place, where he was present and apprised his son that he was
not feeling well. The informant went to Line Bazar Chowk. His



father asked him to come to Madhubani chowk, but he did not find his father. Later on, the dead body of his father was recovered.

The learned counsel for the petitioner has submitted that the he was arrested in another case, i.e., K.Hat P.S. Case No. 760 of 2014. In that case, his confessional statement was recorded on 19.09.2014. He has submitted further that, except confessional statement, there is nothing against the petitioner. He is under custody since 19.09.2014 in K.Hat Case No. 760 of 2014, but was remanded in present case on 02.12.2021. He has also submitted that the alleged tempo was not recovered from the possession of the petitioner or from the possession of the person, whose name has figured in the confessional statement of the petitioner, rather it was recovered from an open place. No reason has been assigned as to why the petitioner was not remanded in this case in the year 2014, when he was arrested and was remanded in the year 2021.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Purnea in connection with S.T. NO. 165 of 2022



arising out of K. Hat (Sahayak), P.S. Case No. 740 of 2014,
subject to the following conditions:-

- (I) The petitioner shall remain physically present on each and every date till conclusion of the trial and his failure in physical appearance shall lead to cancellation of his bail bond.
- (ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (iii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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