

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47563 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- DURAULI District- Siwan

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KANHAIYA GOND @ KANHAIYA SAH S/o- Bhagwan Sah @ Bhagwan
Gond R/o Village - Darauli, P.S.- Darauli, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Sinha, Sr. Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

For the Informant : Mr. Gajendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-03-2023 Heard learned senior counsel for the petitioner;

learned Additional Public Prosecutor for the State and learned

counsel for the informant.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 341, 447, 448, 323,
307, 379, 504 and 506 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other co-accused persons named in the F.I.R assaulted the
informant and there is direct allegation against the petitioner
that he had assaulted the informant by means of farsa on the
head and snatched Rs. 10,000/- and jewellery along with other
co-accused persons.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case, in fact the petitioner and informant are close agnates and are living in the same house and there is admitted land dispute between them. He further submits that it appears from the F.I.R that there is specific allegation against the petitioner that he had assaulted the informant by means of farsa on the head and apart from that there is also allegation of assault on the informant by means of different weapons.

Vide order dated 13.02.2023, a report was called for with regard to the stage of trial and the report dated 23.02.2023 reveals that charge has been framed against the petitioner and other co-accused on 02.02.2023 and the case is pending for the prosecution evidence and till date prosecution has not examined any witnesses in the present case.

Learned counsel for the petitioner further submits that in view of the report of the trial Court it appears that trial is not likely to be concluded in the near future and the petitioner is in custody since 10.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Darauli P.S. Case No. 141 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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