

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54627 of 2023

Arising Out of PS. Case No.-1194 Year-2022 Thana- MADHEPURA District- Madhepura

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KANHAIYA KUMAR @ SURAJ S/O SANJAY SAH @ SANJAY KUMAR
R/O VILLAGE- BAIJNATHPUR, WARD NO. 10, P.S- SAUR BAZAR,
DISTT.- SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Madhepura P.S. Case No. 1194 of 2022 registered under Sections 379, 411, 413 and 414/34 of the Indian Penal Code lodged on 16.12.2022 by the informant, Lakshman Ram.

As per the prosecution story, on secret information, two persons were arrested namely, Anish Kumar and Abhinandan Kumar who disclosed that they along with this petitioner steal motorcycle and they had come to Madhepura for doing the same, when Kanhaiya Kumar @ Suraj (the petitioner herein) was arrested. Further, on their disclosure, three motorcycles kept in Bamboo Clump in Pithahi were



recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has criminal antecedent and only due to that his name has been dragged on the basis of the confessional statement of two accused persons.

Learned APP for the State opposes the prayer for bail stating that the accused persons gave his name as also there was recovery/seizure of three motorcycles.

Considering the submissions put forward by the parties, he is in custody since 20.01.2023, has no criminal antecedent, period of custody, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge cum Special Judge, Madhepura in connection with Madhepura P.S. Case NO. 1194 of 2022 corresponding to S.T. NO. 191 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her 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 his 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)

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