

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67174 of 2023

Arising Out of PS. Case No.-176 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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JAY KRISHAN KANAHAIYA @ JAI KISHAN KANHAIYA @ KRISHAN
KANHAIYA S/O JAWAHAR YADAV R/O VILLAGE- SIRAIYA, PS.
SAHEBPUR KAMAL, DIST. BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Adv.
For the Opposite Party/s	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. Ram Sumiran Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-11-2023

1. Heard the parties.

2. Petitioner seeks regular bail in connection with
Sahebpur Kamal P.S. Case No. 176/ 2021 dated 21.07.2021
registered for the offence(s) punishable under Section(s) 120(B),
302, 147, 148, 149 and 354(B) of the Indian Penal Code and
under Section 27 of Arms Act.

3. This is the third attempt of the petitioner for the
relief of regular bail after the petitioner's earlier attempt for the
same relief were rejected by this Bench vide order passed in Cr.
Misc. No. 13497/ 2022 and vide order passed in Cr. Misc. No.
15389/ 2023 preferred by this petitioner.

4.The main submissions advanced by learned counsel



for the petitioner are that petitioner has got fair and clean antecedent and as per allegation made in the FIR, he was carrying sword at the time of commission of the alleged offence but there is no specific allegation of using the said weapon by him in assaulting any of the injured persons detailed in the FIR and on person of informant's husband, who is said to have injured and subsequently died, no any sharp cut injury was found and the main allegation of causing fire arm injuries to informant's husband is against co-accused Adarsh Kumar @ Nunu Babu and Gopal @ Govind Gopal and the petitioner's case stands on similar footing with co-accused, Nitish Kumar who has already been granted bail by this court vide order passed in Cr. Misc. No. 15524 of 2022 and admittedly, a land dispute was going on in between the parties when the alleged occurrence took place and the petitioner is languishing in custody since 17.08.2021 and one other co-accused, namely, Rakesh Kumar has also been granted bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 21761 of 2022 and the petitioner's trial is at initial stage.

5. Learned APP appearing for the State opposes the bail prayer.

6. Though, learned counsel for the informant opposed



the prayer for bail but it is submitted by him that the trial of the petitioner has started and charges have been framed upon the petitioner.

7. Heard both the sides. Though against the petitioner there is serious allegation but considering his custody period and the fact, that petitioner's case appears to be similar to the said co-accused persons, who are on bail and also, taking into account his fair and clean antecedent, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Sahebpur Kamal P.S. Case No. 176 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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