

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5784 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Krishna Kanhaiya @ Chhote Sarkar S/o Akhilesh Kumar Singh R/o Vill -
Senduari, P.S. - Sadar Hajipur, Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Adv.
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sadar Hajipur P.S. Case No. 154 of 2023 instituted for the offences under Sections 394/307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on the alleged date and time of occurrence, three unknown miscreants intercepted the informant and one of them fired upon him and the bullet hit him on his belly. In the meantime, one of the miscreants snatched the mobile phone of the informant and the other miscreants took his Scooty and fled away. It is further alleged that during the course of fleeing away one miscreant fired which



hit on the leg of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of confessional statement of the co-accused Uttam Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He submits that from perusal of the case diary, it appears that the petitioner has not fired the shot rather co-accused Rajapandit has fired the same which hit on the leg of the Informant. The petitioner has no concern with the alleged occurrence or the co-accused Uttam Kumar. The petitioner has not been put on T.I.P. The petitioner has two criminal antecedents and is languishing in judicial custody since 19.10.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Uttam Kumar has been granted bail by this Court vide order dated 08.05.2024 passed in Cr. Misc.



No. 935 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, **after framing of charge if not already framed**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar Hajipur P.S. Case No. 154 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses,



during the investigation or trial, in that case, prosecution will be
at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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