

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25166 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- MARANCHI District- Patna

Kanhaiya Kumar Son Of Shankar Singh Resident Of Village - Maranchi,
Bhagat Tola, Police Station - Maranchi, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2024 Heard Mr. Arun Kumar, learned counsel for the

petitioner and Mr. Aditya Narayan Singh-1, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since 29.05.2023, in connection with Sessions Trial Case No. 1078 of 2023 arising out of Maranchi P.S. Case No. 36 of 2023, FIR dated 18.03.2023 registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

3. Petitioner and other co-accused persons are said to have killed the son of the informant and also thrown his body in the well of *Maranchi Taal*.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that informant is not the eye witness of the alleged occurrence even no-one has seen



the alleged occurrence and merely on the basis of the suspicion the petitioner and other co-accused persons have been made accused in the present case. He further submits that except the suspicion no other cogent material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the co-accused, namely, Golu Kumar, against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 18.07.2024 passed in Cr. Misc. No. 71648 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.05.2023.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR apart from that the petitioner carries five more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned



Additional District & Sessions Judge III, Barh, Patna in connection with Sessions Trial Case No. 1078 of 2023 arising out of Maranchi P.S. Case No. 36 of 2023 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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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