

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64041 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- KHAGARIA District- Khagaria

Kanhaiya Kumar Son of Nath Bihari Yadav Resident of village - Dhusmuri
Bishanpur, Ward No.- 08, P.S.- Khagaria (Muffasil), Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, APP

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioner and Mrs.
Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in Khagaria (Muffassil)
P.S. case No. 165 of 2024 instituted for the offences under
Sections 341, 323, 307, 504, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that during the
dance in a marriage ceremony in the village, the petitioner fired
at the son of the informant due to which he sustained injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The informant is not an eye witness to the
occurrence. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner submits that charge-sheet has been submitted in this case and charge has also been framed under Sections 341, 323, 307 of Indian Penal Code and Section 27 of the Arms Act. Learned counsel for the petitioner further submits that in the trial, both the injured and the informant have been declared hostile and they have not supported the prosecution case. The petitioner is in custody since 13.05.2024 and has no criminal antecedent

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submits that the nature of injury is said to be grievous and the petitioner does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the fact that the injured and informant have become hostile during trial, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Khagaria (Muffassil) P.S. case No. 165 of 2024 subject to the following



conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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