

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75854 of 2023

Arising Out of PS. Case No.-818 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Kanhaiya Kumar@Kanhaiya Singh S/O Late Uday Singh Village- Bhalgudar,
Ps. Lakhisarai, Dist. Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

Mr. Roop Kishan, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-01-2024 Heard Mr. Vijay Anand, learned counsel for the

petitioner and Mr. Mithilesh Kumar Khare, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.08.2022 in connection with Lakhisarai P.S. Case No. 818 of
2021, F.I.R. dated 29.11.2021 for the offences punishable under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. Earlier the bail application of the petitioner was
rejected vide order dated 25.04.2023 passed in Cr. Misc. No.
15255 of 2023.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused. He further submits that the co-accused person, namely, Dum-Dum Singh against whom there is similar allegation has been granted bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 24.07.2023 passed in Cr. Misc. No. 14064 of 2023 and other co-accused person, namely, Polu Kumar has also been granted bail by the Co-ordinate Bench of this Court vide order dated 23.08.2023 passed in Cr. Misc. No. 12895 of 2023. The petitioner is in custody since 08.08.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 818 of 2021,



subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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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