

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22330 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- Kawaiya District- Lakhisarai

Kanhaiya Kumar @ Teni Ram @ Krishna Kumar @ Krishna Ram @
Kanhaiya S/o- Krishnandan Ram @ Krishnanandan Ram Village- Kiul Basti
W.No-32, Ps- kabaiya Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-07-2025 Heard the learned counsel appearing on behalf of the
petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 126(2), 115(2), 351, 352, 109(1) and 3(5) of B.N.S. and Sections 25(1-b)a, 26, 27 and 35 the Arms Act and Section 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, the named accused persons including the petitioner is stated to have fired on the informant however, nobody got injured. It has been alleged that the petitioner and others were also abusing and the mother of the informant was also assaulted. Subsequently, the crowd assembled and they captured the petitioner in an inebriated condition and 3 empty cartridges and one misfired bullet was



recovered and the petitioner as well as the recovered articles were handed over to the police.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated and no such incident has occurred as alleged and it was only on account of him being intoxicated the present case has been lodged. It has further been submitted that admittedly, there was no recovery of firearm from the petitioner and also the fact that no person was injured in the alleged firing made by the petitioner. It has next been submitted that the petitioner though has two criminal antecedent however the petitioner is in custody since 15.01.2025 in the present case.

5. The learned A.P.P. for the state and learned counsel for the informant have vehemently opposed the prayer for bail and have stated that petitioner is named accused in this case and even during course of the investigation, several witnesses have stated that the petitioner was there and who had fired. The learned counsel for the informant has also submitted that the petitioner has criminal antecedent and there is threat to the life of the informant and his family.

6. Considering the aforesaid submissions and taking into account the fact that no recovery of firearm was made from



the petitioner as also the fact that there is no injury sustained by any of the persons from the informant side, let the petitioner, above named, 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 the learned court below where the case is pending/successor court in connection with Kabaiya P.S. Case No. 10 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Lakhisarai within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

Raj Ranjan/-

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