

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30056 of 2025

Arising Out of PS. Case No.-653 Year-2023 Thana- KHAGARIA District- Khagaria

Kanhaiya Kumar S/o Prakash Ram @ Jay Prakash Singh R/o Village-
Mehshauri, P.S.- Muffasil Khagaria, District- Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2025 Learned counsel for the petitioner is permitted to
make necessary correction in para-1 of the bail petition in
course of the day.

2. Heard Mr.Shailendra Kumar Singh learned counsel
for the petitioner and Mr.Ram Sevak Choudhary, learned A.P.P.
for the State.

3. The petitioner seeks bail, who is in custody since
08.01.2024 in connection with Khagaria (Muffasil) P.S. Case
No. 653 of 2023, F.I.R. dated 01.07.2023 registered for the
offence punishable under Sections 341,323,307/34 of IPC and
Sections 25 (1-B)a and 27 of Arms Act.

4. According to the prosecution case, after receiving
secret information regarding firing made on one Amaniwala at
Mehsaurhi for spreading terror, the police reached at the alleged



place and after investigation recovered two live cartridges. It is further alleged that after making secret raids, the involvement of other accused persons were confirmed and a motorcycle was also recovered in the process.

5. Learned counsel appearing for the petitioner submits that although the petitioner is named in the FIR but from a bare perusal of the FIR it transpires that there is no specific allegation of any assault, overt-act or firing attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. It appears from the FIR itself that the informant is not the eye witness of the alleged occurrence and on the basis of the information received from the local villagers, the informant has lodged the present FIR and apart from that, co-accused persons, namely, Jafar Ali @ Md. Jafar Ali @ Jafar and Md. Eliyash @ Haliya @ Eliya, against whom the similar allegation, have been granted privilege of anticipatory bail by this Court vide orders dated 31.01.2024 and 20.07.2024 passed in Cr. Misc. Nos.1920 of 2024 and 41021 of 2024 respectively. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 08.01.2024 more than one year.



6. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and he carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

7. Considering the aforesaid facts, there is no specific allegation of any assault, overt-act or firing attributed against the petitioner, similarly situated co-accused persons have been granted privilege of anticipatory bail by this Court and the period of custody, 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 learned Judicial Magistrate 1st Class, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 653 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 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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