

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37020 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- RAJIVNAGAR District- Patna

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Kanai Kumar @ Kanhaiya Yadav @ Kanhai Rai S/o Sattelal Ray Resident of
Jaiprakash Nagar, Shivmandir Road, P.S.- Rajiv Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandit

For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-06-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail,
arises out of Rajeev Nagar Police Station Case No. 86 of 2025,
disclosing offences under Sections 223, 316(2), 318(4), 119(1),
61(2), 3(5) of the BNS, 2023.
3. As per the prosecution case, lodged by the
officer of the Housing Board, during course of inspection, the
informant found that some people were carrying out
construction work on the land of the Housing Board by
encroaching it. Upon inquiry, the name of the petitioner along
with others transpired as contractors who were indulged in the
construction work.
4. Learned Counsel for the petitioner submits that



the petitioner is not the contractor but a labour who was hired by somebody to construct the same block. Petitioner had no knowledge about the fact that construction work was being made on the land of Housing Board. He further submits that similarly situated accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 24590 of 2025.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that similarly situated persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate-II, Patna, in connection with Rajeev Nagar Police Station Case No. 86 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023 and also the other



conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Anil Kumar Sinha, J)

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