

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36939 of 2025

Arising Out of PS. Case No.-522 Year-2023 Thana- RAJAON District- Banka

Kanbalia @ Nitish kumar @ Kanbali Yadav S/O Deghar Yadav R/O Village-
Shyampur Ghutiya, P.S- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rajoun
P.S. Case No. 522 of 2023 instituted for the offences under
Sections 341, 323, 307, 332, 337, 353, 147, 148, 149 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is that he along with co-accused persons fired gun-
shots on the police personnel and they also caused hurt to the
government driver namely Pramod Kumar Yadav by the butt of
the pistol.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to dirty village politics. He further submits that nothing



incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. In the alleged occurrence, no one has sustained any fire-arm injury. The injury sustained by the driver of the vehicle is simple in nature. The petitioner has six criminal antecedents and is languishing in judicial custody since 06.03.2025 without any rhymes or reason. He further submits that the co-accused Kaju Yadav has already been granted bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 55604 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and also the prayer for bail being based on parity, let the petitioner, abovenamed, 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 Rajoun P.S. Case No. 522 of 2023, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

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