

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68074 of 2025

Arising Out of PS. Case No.-163 Year-2025 Thana- HALSI District- Lakhisarai

Kanhaiya Kumar S/o Late Om Prakash Azad R/o Village- Kharagpur, P.S.-
Chadradeep, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-11-2025 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Mr. Choubey Jawahar, learned APP for the State.

Perused the case diary.

2. The petitioner seeks bail in connection with Halsi
P.S. Case No. 163 of 2025 instituted for the offences under
Section 309(4) of the B.N.S., 2023.

3. As per prosecution case, six unknown miscreants,
who were on two motorcycles, surrounded the informant on the
point of fire arms and snatched his bag containing 40 SIM
Cards, 07 Keypad mobile phones and some other devices, Rs.
6,500/- cash as also documents of the motorcycle.

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. The petitioner is not named in the F.I.R. and his name has transpired in this case merely on the basis of his mobile location. He further submits that nothing incriminating/stolen article has been recovered from the conscious possession of the petitioner or from his house. No T.I.P. has also been conducted in this case. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 31.07.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the police has recovered one loudspeaker and several SIM cards from him.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Halsi P.S. Case No. 163 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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