

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84363 of 2024

Arising Out of PS. Case No.-106 Year-2023 Thana- MORKAHI District- Khagaria

Kanhaiya Kumar Son of Prakash Ram @ Jai Prakash Singh Resident of
Village- Mehauri, ward No. 2, P.S.- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-02-2025 Heard the parties.

2. The petitioner is in custody in connection with Morkahi P.S. Case No. 106 of 2023 for the offence under Section 394 of the Indian Penal Code lodged on 08.08.2023 by the informant, Manjit Kumar Paswan.

3. As per the prosecution story, the informant alleged while returning after collecting cash, unknown miscreants came on the motorcycle and looted the amount besides the mobile and key of his motorcycle. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated by the police. Despite being in custody since 05.01.2024 (para-4 of the petition), no TI Parade conducted nor anything recovered from his conscious possession. The last submission is that Santbali



Kumar has been granted bail in Cr. Misc. No.71281 of 2024.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedents.

6. Though the petitioner has criminal antecedents, the fact remains that he has remained in custody since 05.01.2024 and as submitted, no TI Parade conducted and/or recovery has been attributed to him/his house and further, one of the accused has been granted bail, as stated above. Accordingly, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Khagaria, in connection with Morkahi P.S. Case No. 106 of 2023 subject to the following conditions:

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

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

(iii) the petitioner shall appear before the concerned



police station every month for next one year to mark his attendance;

(iv) the petitioner 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 bail bonds.

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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