

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11504 of 2017

Arising Out of PS.Case No. -316 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Kaushal Kumar Mishra Son of Kanahaiya Mishra Resident of Village-
Sudai PS. Phulparas Distt. Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 10-04-2017 Heard the parties.

This application has been filed in connection with Phulpras
P.S.Case No.316 of 2016 G.R.No.1681 of 2016 for the offence
under Section 414 of the Indian Penal Code and 25(1-B)A & 26 of
the Arms Act.

It is submitted on behalf of the petitioner that allegation
against the petitioner is made out under Section 414 of the Indian
Pena Code. There is alleged recovery of one country-made Pistol,
cartridges, Mobile and one stolen Motorcycle, however, it has
been submitted on behalf of the petitioner that it has come in Para
80 of the Case Diary that the Motorcycle was of his relative. The
petitioner is accused in one more case but he was not named in the
F.I.R. and later on his name was inserted and he is on bail, except



that there is no criminal antecedent against him. He is in custody for about six months.

Heard learned A.P.P. also, who could not controvert the above facts.

Having heard both sides and in view of the submissions as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Jhanjharpur, Madhubani in connection with Phulpras P.S.Case No.316 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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