

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3562 of 2018

Arising Out of PS.Case No. -14 Year- 2014 Thana -KASMA District- AURANGABAD

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Kapil Bhuiyan @ Tapeswar Bhuiyan, Son of Ram Deo Bhuiyan @
Ramdeo Bhuiyan, resident of Village- Jagroop Bigha, P.S.- Kasma, District-
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.09.2016 in connection with Kasma P.S. Case No. 14 of 2014
for offences punishable under Sections 25(1-B)a, 26, 35 of the
Arms Act, 17 CLA. Act and 10 U.A.P.A. Act.

The prosecution case, as lodged by the informant, is
that one Awadhesh Yadav @ Shambhu Yadav was arrested by the
police and he was found carrying one country made Masket gun,
five live cartridges, Posters and other anti social literature
belonging to Maobadi group who revealed the name of the
petitioner and three others. Accordingly, a seizure list was



prepared.

It has been submitted by the learned counsel for the petitioner that he was not apprehended by the police and his name surfaced only on the statement of co-accused Awadhesh Yadav @ Shambhu Yadav who has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 35743 of 2014 vide order dated 02.03.2015 itself and that other co-accused has also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 32694 of 2016 vide order dated 20.08.2016. He submits that nothing has been recovered from his conscious possession and has voluntarily surrendered before the police.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as may as three cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Sessions Judge-1, Aurangabad (Bihar), in connection with Kasma P.S. Case No. 14 of 2014, subject to the conditions that:



- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station in the first week of every month and will be discharged on certificate of good conduct by the concerned police station. Failure to appear will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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