

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69108 of 2019

Arising Out of PS. Case No.-221 Year-2019 Thana- CHAUSA District- Madhepura

JAY KARAN KUMAR, aged about 21 years (Male), S/o Kadar Yadav, R/o village- Fulaut Purvi and Paschimi, P.S.- Chausa (Fulaut), District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25 (1-b)a, 26, 35 of the Arms Act.

The prosecution case is that in short, allegation is that on instruction of S.D.P.O., Uda-Kishunganj when the police party arrived near the Bankatta Tinkonma Poola on Chausa-Fulaut road, where five persons were present and seated in Bolero vehicle armed with deadly weapons and they were making plant to commit crime, they on seeing the police party attempted to flee away, in course of which four persons were caught hold by the police on chase. On query, they disclosed their names as



Pawan Yadav, Shankar Yadav, Jaykaran Kumar (petitioner) and thereafter, their persons were searched in present of two independent witnesses. From the possession of co-accused Pawan Yadav, a loaded country-made pistol whereabout from co-accused Fulo Yadav, .315 bore live cartridge were recovered and from the alleged Bolero Vehicle bearing registration no. BR11PB-1250, a loaded rifle also recovered of which they did not produce any papers. Hence, they were arrested and three seizure lists separately prepared of the recovered Arms, vehicle and other articles.

Learned counsel for the petitioner submits that as per FIR, there is no recovery from the conscious possession of the petitioner rather, it is recovered from co-accused. The petitioner is in custody since 25.07.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Uda Kishunganj, Madhepura, in connection with Chausa



(Fulaut) P.S. Case No. 221 of 2019, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate 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 Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

amitkumar/-

U		T	
---	--	---	--

