

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20921 of 2020

Arising Out of PS. Case No.-309 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. Kaushal Kumar @ Kaushal Yadav, son of Binod Yadav, resident of village Sahkari, P.S. Sour Baxar (O.P. Patarghat), District Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. M. Ashraf

For the Opposite Party/s : Mr. Binod Kumar No. 3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 10-09-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioner seeks regular bail in connection with Sessions Trial No. 06 of 2020, arising out of Saur Bazar (Patarghat) Police Station Case No. 309 of 2019, registered for the offences punishable under Sections 413/414 of the Indian Penal Code and Section 25 (1-b)a/26/35 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that two persons riding on a motorcycle tried to flee away upon seeing the police and were apprehended, who disclosed their names as Kaushal Kumar (petitioner) and Rupas Kumar. Upon search, one country-made loaded pistol and



live cartridge were recovered from the possession of the petitioner and live cartridges were also recovered from the possession of the pillion rider, Rupas Kumar. Upon being asked by the police, they disclosed that on 16.05.2019, they shot one person in village Maddi and looted away his motorcycle and also disclosed that they were also involved in some other crime.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of self-exculpatory statement allegedly made by he petitioner. He also submits that for killing of one person, the First Information Report was lodged, being Sour Bazar Police Station Case No. 204 of 2019, in which the learned Court below has granted bail to the petitioner. He further submits that the petitioner is in custody since 05.08.2019 and charges have already been framed against him.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the stolen motorcycle, which was recovered from the possession of the petitioner, belong to the person who was allegedly killed by the petitioner and from whom, the petitioner allegedly snatched the same and a separate First Information Report has been lodged against the petitioner under the



provisions of Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

After having heard learned Counsel for the parties and taking into consideration the materials on record and in the facts and circumstances of the case, I am not inclined to grant regular bail to the petitioner.

This application is dismissed.

However, the petitioner may renew his prayer for bail after nine months from today, if the trial does not show any progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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