

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38477 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- DEWARIA District- Muzaffarpur

KAMAL KISHORE RAI S/O Rampravesh Rai Resident of Village - Bangra,
P.S. - Deoriya, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Goswami, Advocate

For the Opposite Party/s : Mr. A.K. Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 25-08-2021 Heard Mr. Bhavesh Kumar Goswami, learned counsel for the petitioner and Mr. A. K. Pandit, learned Additional Public Prosecutor appearing for the State, through Video conferencing.

Petitioner seeks regular bail in connection with Deoriya P.S. Case No.81 of 2020, registered for the offences punishable under Sections 399, 402, 414/34 of the Indian Penal code and Section 25 (1-b)a, 26 and 35 of Arms Act.

This is second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier the bail application of the petitioner was rejected by this Court vide order dated 05.04.2021 passed in Cr. Misc. No.1058 of 2021 with liberty to renew his prayer for grant of regular bail after three months.

The allegation against the petitioner is that two live



cartridges have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody since 13.06.2019 and similarly situated accused person, Vipendra Kumar, has been granted bail by a Coordinate Bench of this Court vide order dated 12.04.2021 passed in Cr. Misc. No.38632 of 2020.

Regard being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 13.06.2019 and the chargesheet has already been submitted and the trial is not likely to be concluded in near future due to Covid-19 pandemic and this is second attempt for grant of regular bail on behalf of the petitioner and similarly situated accused person has been granted bail by a Coordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Deoriya P.S. Case No.81 of 2020, with following conditions :



(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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