

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40728 of 2021**

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

KAUSHAL KUMAR @ KAUSAL YADAV S/O BINOD YADAV R/o
village- Sakthori, P.S.- Saur Bazar, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

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

2 25-08-2021 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner and Mr. Ramchandra Sahni, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Sessions Trial No. 6 of 2020 arising out of Saur Bazar
(Patarghat O.P.) P.S. Case No. 309 of 2019 registered for the
offences punishable under Sections 413, 414 of the Indian Penal
Code, Sections 25 (1-b)a, 26 and 35 of the 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
10.9.2020 passed in Cr. Misc. 20921 of 2020 with liberty to the
petitioner to renew his prayer for grant of regular bail after nine



months.

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 party and were apprehended, who disclosed their names as Kaushal Kumar (petitioner) and Rupesh Yadav. Upon search, one country made loaded pistol and live cartridge were recovered from possession of the petitioner and live cartridges were also recovered from possession of the pillion rider, Rupesh Yadav.

Learned counsel further submits that the trial has not shown any progress and uptill now only charges have been framed. The petitioner is in custody since 5.8.2019.

Regard being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 5.8.2019 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, 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 Sessions Judge, Saharsa, in connection with Sessions Trial No. 6 of 2020 arising out of Saur Bazar P.S. Case No. 309 of 2019.

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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