

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35813 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- BAKHTIYARPUR District- Patna

KAMLESH KUMAR ALIS KAMLESH YADAV SON OF NARESH RAY
RESIDENT OF VILLAGE- NAYA TOLA MATHOPUR PS
BAKHTIYARPUR PATNA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Rama Kant Sharma, Senior Advocate Mr. Shivjee Singh
For the Opposite Party/s :	Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-02-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Bakhtiyarpur P.S. Case No. 56 of 2020, registered for the offence punishable under Sections 25(10-b)a and 26 of the Arms Act.

The petitioner is in custody since 18.02.2020. According to the case of the prosecution, from petitioner's possession, one country made pistol was recovered with a live cartridge. It appears from paragraph 3 of the application that the petitioner has criminal antecedent inasmuch as he is named in at least five following cases : -

“i) Bakhtiyarpur P.S. Case No. 316 of 2012 U/s 302/34 I.P.C. and 27 of the Arms Act, in which he is on bail.



- ii) Bakhtiyarpur P.S. Case No. 76 of 2017 U/s 392 I.P.C., in which he is on bail.**
- iii) Bakhtiyarpur P.S. Case No. 413 of 2017 U/s 147, 148, 149, 307, 302 I.P.C. and 27 of the Arms Act, in which he is on bail.**
- iv) Bakhtiyarpur P.S. Case No. 317 of 2018 U/s 25(10-b)a, 26 of the Arms Act, in which he is on bail.**
- v) Bakhtiyarpur P.S. Case No. 322 of 2019 U/s 399, 401 I.P.C. and 25(10-b)a, 26, 35 of the Arms Act, in which he was granted anticipatory bail on 14.02.2020 by this Court.”**

The report submitted by the Senior Superintendent of Police about the petitioner’s criminal antecedent supports the disclosure made by the petitioner in his statement made in paragraph 3 of the application.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner is on bail in all the above mentioned cases and in one of the cases, anticipatory bail was granted to him by this Court by an order dated 14.02.2021 passed in Cr. Misc. No. 87221 of 2019.

Be that as it may, since in the present case, the allegation against the petitioner is of being in possession of a country made pistol and a cartridge and since he is in custody since 18.02.2020, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned Additional Chief Judicial Magistrate-III, Barh, District
Patna, in Bakhtiyarpur P.S. Case No. 56 of 2020.

(Chakradhari Sharan Singh, J)

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