

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4509 of 2021**

Arising Out of PS. Case No.-30 Year-2020 Thana- MADHUBANI TOWN District-
Madhubani

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Kanhaiya Bharadwaj, Son of Ram Babu Ram, Resident of Village- Pragati
Nagar, P.S.- Madhubani Town, District- Mahubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 28-06-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Madhubani Town P.S. Case No.30 of 2020 registered for the
offence punishable under Section 25(1-b)/1/26 of the Arms Act.

One Monu Kumar Mishra was arrested in connection
with Raj Nagar P.S. Case No.22 of 2020. The said accused has



stated about the petitioner's complicity in that case, whereafter the petitioner has been arrested. There is an alleged recovery of a country made sixer, mobile phone and two keys.

It is submitted by the petitioner's counsel that implication on the basis of confessional statement of co-accused is baseless as the same has no evidentiary value. Out of four cases pending against the petitioner since before, he is already on bail in three cases. Petitioner denies and disputes the alleged recovery. He submits that on account of his criminal antecedents, he has unnecessarily been roped in these proceedings, based on falsehood. He is in custody since 30.01.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 C.J.M., Madhubani, in connection with Madhubani Town P.S. Case No.30 of 2020, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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