

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7706 of 2021

Arising Out of PS. Case No.-2 Year-2001 Thana- MASAUDHI District- Patna

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KAMLESH KUMAR, Son of Late Mohit Prasad @ Mohit Yadav, Resident of
Village- Gangachak Malikana, P.S.- Masaudhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-06-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegation against the petitioner along with other
accused persons is said to have fired upon the husband of the
informant by pistol after that he died.

Learned counsel for the petitioner submits that there is
allegation of misuse of bail. The petitioner was granted bail by



learned court below on 01.07.2002 and his bail bond was cancelled on 24.07.2015. The petitioner was arrested on 18.08.2020. There is misuse of bail of six years.

Learned APP for the State opposes the prayer for bail of the petitioner.

The petitioner is directed to deposit Rs.5,000/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Masaudhi P.S. Case No. 02/2001 corresponding Sessions Trial No.1244/2009 to the satisfaction of learned Court below where the case is pending; subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of



failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000/- (Rupees Five Thousand) in the Patna High Court Legal Service Committee.

(Anjani Kumar Sharan, J)

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