

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7409 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- BARH District- Patna

Harsh Kumar Kaushik @ Baba, Son of Ajay Tiwari, Resident of Village -
Panchshil Nagar, P.s.- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barh P.S. Case No. 251 of 2021 registered for the alleged offences under Section 399, 402, 412 and 414 of the Indian Penal Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

As per prosecution case, police received secret information about some miscreants assembling on the banks of Ganga making preparation for committing dacoity. A raid was conducted at the identified place and five persons tried to escape



and out of those five persons, three persons including this petitioner were apprehended. From the possession of this petitioner, a loaded country made pistol along with a live cartridge were recovered. Further, recovery of a mobile phone was also made from the possession of the petitioner.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the recovery of the pistol and he has been made accused merely on suspicion. There are four cases pending against this petitioner and he is on bail in all these cases. The petitioner is in custody since 28.06.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that witnesses in case diary have supported the prosecution case and the confessional statement of this petitioner and other co-accused persons have been recorded wherein they have admitted that they have been regularly indulging in crimes and committing loot and dacoity.

Perused the records.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet along with period of his custody, the petitioner above named is directed to



be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Barh, Patna in connection with Barh P.S. Case No. 251 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Ajay Tiwari, brother of the petitioner, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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