

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10058 of 2022

Arising Out of PS. Case No.-322 Year-2019 Thana- BAKHTIYARPUR District- Patna

KAUSHAL YADAV Son of Late Jogendra Roy @ Yogendra Prasad Resident
of Village - Madhopur, P.s.- Bakhtiarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shivjee Singh, Advocate

For the Opposite Party/s : Mr Lalan Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Bakhtiyarpur Police
Station (for brevity, *PS*) Case No 322 of 2019, GR No 1474 of
2019 instituted for the offence punishable under Sections 399,
401 of Indian Penal Code and Sections 25 (1-b) a, 26, 35 of
Arms Act.

On 27.02.2020, after due consideration of the
submissions advanced on behalf of the petitioner and learned
APP, the petitioner's prayer for bail was rejected by this Court
in Cr Misc No 6835 of 2020. The Court, while rejecting the
petitioner's prayer for bail, had granted liberty to the petitioner



to renew his prayer once the charges were framed. Thereafter, the petitioner again renewed his prayer for bail in Cr Misc No 24623 of 2020, but without framing of charges. The prayer for bail was, accordingly, rejected on 08.02.2021. This is the third attempt for grant of bail.

Referring to the order of the Court of Additional Sessions Judge IV, Barh, Patna dated 02.02.2022 rejecting the petitioner's prayer for bail, it is pointed out that on 15.12.2021, the charge has already been framed.

The learned APP has made submissions in opposition to the prayer for bail reiterating what had been submitted before this Court in the proceedings arising out of Cr Misc No 6835 of 2020. Learned APP, however, has not disputed the fact that charge has been framed on 15.12.2021, as per the order of the learned Court below. The petitioner's period of custody is much more than two years.

Having regard to the liberty granted by this Court to the petitioner, under order dated 27.02.2020 in Cr Misc No 6835 of 2020 and fulfillment of the contingency, as per the said order, this Court is inclined to accept the submission of the petitioner's counsel for the purposes of grant of bail.

Having regard to the aforesaid facts and period of



custody, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV, Barh, District - Patna in Sessions Trial No 409 of 2020 arising out of Bakhtiyarpur PS Case No 322 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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