

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11115 of 2022

Arising Out of PS. Case No.-551 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Kuldeep Kumar S/o - Uday Mandal R/o- Kabar Kothi, P.S. - Barari, Distt. -
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Katihar
Town P.S. Case No. 551 of 2021 registered for the offence under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.09.2021.

The allegation against the petitioner is of having
possession of one country made pistol and one live cartridge.

Learned counsel appearing on behalf of the petitioner
submitted that recovery has not been made from the conscious
physical possession of the petitioner. It has also been submitted



that petitioner is a man of clean antecedent and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. While concluding the argument, it has been submitted that one of the similarly situated co-accused, namely, Govind Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court vide order dated 13.06.2022 passed in Cr. Misc. No. 11841 of 2022.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that investigation of this case is completed.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Katihar Town P.S. Case No. 551 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner only duly supported by the documents.

(ii) That one of the bailors shall be Uday Mandal, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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