

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20581 of 2022

Arising Out of PS. Case No.-74 Year-2020 Thana- ADAPUR District- East Champaran

Md. Kalam @ Kalam Mian, aged about 25 years (M) S/O Mulajim Mian @
Molajim Mian R/o village- Nayak Tola, P.S.- Adapur, District- East
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Adapur PS* Case No. 74 of
2020, instituted for the offence punishable under Sections
324,307, 394 of the Indian Penal Code and Section 27 of the
Arms Act.

Since 07-07-2020 the petitioner is stated to be in custody.
Earlier, the prayer for bail of the petitioner was rejected by this
Court under order dated 02-08-2021 passed in Cr. Misc. No.



9130 of 2021.

Petitioner's counsel submits that the other co-accused persons, namely, Arun Kumar Gupta, Munna Patel and Rajan Tiwari @ Rajan Kumar Tiwari have since been allowed bail. Claiming parity with the said accused persons, based on Annexure-3 series, wherein, the orders passed by this Court in Cr. Misc. Nos. 8857 of 2021 and 32235 of 2021 and 65709 of 2021 have been annexed, it is submitted that the petitioner is entitled to bail. Learned counsel further submits that the recovered jewellery has never been put on the Test Identification Parade. This fact has also been taken note of in the earlier order of rejection dated 02-08-2021.

The learned APP representing the State has opposed the prayer for bail. He has drawn the attention of the Court towards the last rejection which was based on consideration of the material appearing in the course of investigation that there is recovery of alleged looted articles based on petitioner's confession.

Considering the rival submissions, the fact that recovered jewellery has not been put on Test Identification Parade, the period of custody in the meantime; and the claim based on parity, this Court, for the purposes of grant of bail, is



inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Additional Sessions Judge-22th, East Champaran at Motihari, in connection with *Adapur P.S.* Case No. 74 of 2020, Sessions Trial No. 710 of 2022, 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.

(Madhuresh Prasad, J)

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