

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29456 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Kabindra Kohar, Male, age about 61 years, Son of Parikhan Kohar, Resident of Bhabua Ward no. 1, P.S. Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kudra P.S. Case No. 333 of 2020 registered for the offences punishable under Sections 299, 400, 402, 307, 353 of the Indian Penal Code and Section 25(1-B) (a), 26, 27 and 35 of the Arms Act.

As per the prosecution case, some miscreants have committed marpit and robbery from the truck drivers. It is further alleged that the police apprehended three persons on whose possession a country made pistol along with mobile has



been recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that as per the allegation in the FIR one country made loaded Katta with misfired cartridges and a live cartridge have been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that nothing has recovered from the conscious possession of the petitioner rather the police has planted the same and shown the alleged recovery in the seizure list. He submits that due to previous criminal antecedent the police has implicated the petitioner in the present case. He further submits that in paragraph no. 3 of the bail petition, petitioner has 22 cases pending against him. He categorically stated that in almost cases petitioner has been acquitted and in rest of the cases he is on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.11.2020. He further submits that co-accused namely, Prem Pandey has been granted bail by order dated 22.10.2021 in Cr. Misc. No. 18363 of 2021 and other co-accused namely Ramchandra Ram @ Ram Chand Ram has been granted bail by order dated 17.01.2022 in Cr. Misc. No. 34157 of 2021.



Learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner and submitted that the petitioner carries 22 cases other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Session Judge-IX, Kaimur at Bhabua in connection with Session Trial No. 43 of 2021 arising out of Kudra P.S. Case No. 333 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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