

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21164 of 2022

Arising Out of PS. Case No.-171 Year-2021 Thana- BAJPATTI District- Sitamarhi

KISHAN KUMAR @ BEAURA @ KRISHNA KUMAR Son of Rajnandan
Rai Resident of Village - Ballara, Manorath, P.S.- Bajpatti, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bajpatti P.S. Case No. 171 of 2021 registered for the offences
punishable under Sections 399/402 of the Indian Penal Code
read with Section 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, on information having
been received that the accused persons including the petitioner
were making attempt to give effect to an occurrence, a raid was
conducted and incriminating articles were recovered from the
possession of three co-accused persons. Apprehended persons
disclosed the name of present petitioner and others who fled



away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 17.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Name of present petitioner has been surfaced on the basis of confessional statement of other co-accused persons. Co-accused Pankaj Baitha, who was apprehended on spot, has already been granted bail vide Cr. Misc. No. 50090 of 2021 by the co-ordinate bench of this Court and the case of present petitioner stands on better footing in comparison to the accused who has apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, petitioner is not apprehended on spot, co-accused who was apprehended on spot, has already been granted bail, charge-sheet has already been submitted and there is no likelihood of tampering with the



prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Bajpatti P.S. Case No. 171 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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