

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56143 of 2021

Arising Out of PS. Case No.-151 Year-2019 Thana- HARNAUT District- Nalanda

Kaushal Kumar @ Kausal Kumar @ Kausal Yadav S/O Sadhu Yadav R/O
village- Savanahua Dih, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash
For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Harnaut P.S.Case No. 151 of 2019 for the offences
punishable under Section 414 of the Indian Penal Code and
section 25(1-b) a, 26, 35 of the Arms Act.

As per prosecution case, informant has got secret
information that some miscreants are assembled to commit
crime and on the basis of such information house of Praduman
Kumar was raided.

Learned counsel for the petitioner submits that



petitioner is not named in the F.I.R and his name transpired in this case on the basis of confessional statement of one Mithun Kumar @ Mithun Ram, who disclosed about the participation of this petitioner. It is further submitted that other co-accused persons namely, Praduman Kumar, Mithun Kumar and Sonu Kumar have already been granted bail by a co-ordinate Benches of this Court in Cr. Misc. No. 45915 of 2019, Cr. Misc. No. 52871 of 2019 and Cr. Misc. No. 57074 of 2019 respectively. The copy of the said orders have been brought on record by Annexure-2 series to this petition. Petitioner is in jail custody since 20.03.2021 and charge sheet has already been submitted

The learned A.P.P opposed the prayer for bail of the petitioner and submitted that petitioner has criminal antecedent of eight cases which is mentioned in Paragraph-2 of the petition.

Having heard the rival contentions of the parties and taking into consideration the fact that the name of petitioner has been transpired on the basis of confessional statement of co-accused, who has already been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in



connection with Harnaut P.S.Case No. 151 of 2019, on the following conditions;

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

(ii) 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”

(Harish Kumar, J)

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