

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63193 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- BARAUNI District- Begusarai

Kaushal Kumar, Son of Mahesh Sao @ Mahesh Sah Resident of Village-  
Chak Balli, P.S.- Barauni (F.C.I. O.P.), District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      05-05-2022              Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Sanjay Kumar Sharma, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Barauni (F.C.I. O.P) P.S. Case No. 58 of 2021 registered for the offences punishable under Section 399, 402 and 412 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. He is in custody since 04.02.2021 having one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, when the police raided the premises of the school the miscreants started fleeing away but on chase the petitioner and one Rajesh Kumar @ Sunny



were apprehended. From possession of this petitioner one country made loaded katta, one mobile of Samsung company, another mobile of Redmi company and one Pulsar motorcycle were seized.

Learned counsel submits that so far as the Pulsar motorcycle is concerned, the same belongs to the petitioner and in the impugned order in this regard the learned court below has committed an error of record by mentioning the registration number of motorcycle which is not mentioned in the seizure list.

It is further submitted that no incriminating material has been recovered from the possession of the petitioner and the petitioner has already remained in custody for over one year, thus, his prayer for bail be considered.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, as according to him, the petitioner was arrested on the spot and from his possession a loaded katta was also recovered.

Having regard to the submissions noted hereinabove and on noticing that in connection with the present case the petitioner has remained in custody for more than one year and at this stage the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail



on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni (F.C.I. O.P) P.S. Case No. 58 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

**(Rajeev Ranjan Prasad, J.)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

