

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68156 of 2021**

Arising Out of PS. Case No.-66 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

KAMAL KUMAR YADAV @ KAMAL YADAV @ KAMAL Son of Dulal
Prasad Yadav Resident of Village - Mastan Chowk, P.S.- Kochadhaman,
District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in a case registered for the offence under Sections 401, 413 and 414 of the Indian Penal Code and Section 25(1-B)(1-AA), 26 and 35 of the Arms Act.

According to the prosecution, two automatic country made pistols, four magazines and seven 7.65 mm live cartridges have been recovered from the possession of the co-accused, Firoz Alam on whose disclosure, the petitioner has been apprehended.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. He further submits that the name of this petitioner has been surfaced in this case on the disclosure made by the co-accused, Firoz Alam, but nothing has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Firoz Alam, who has been arrested on the spot, has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.09.2021 passed in Cr. Misc. No. 37511 of 2021. The petitioner is rotting in judicial custody since 23.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Kochadhaman P.S. Case No. 66 of 2021 given rise to Session Trial No. 81 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

