

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71347 of 2021

Arising Out of PS. Case No.-489 Year-2018 Thana- BAKHTIYARPUR District- Patna

KAMLESH KUMAR @ KAMLESH YADAV Son of Naresh Yadav Resident
of village Madhopur, P.S. Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2022 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 through video conferencing.

The petitioner seeks bail in a case registered for the offence under Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of two country made pistol along with two live cartridges from the possession of the associates of the petitioner.

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



surfaced in this case merely on the basis of confessional statement of the co-accused, Dhamiya n@ Dharamveer Kumar, who has been apprehended on the spot having possession of one loaded country made. He further submits that the petitioner has not been apprehended from the spot nor anything incriminating has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Bittu Kumar @ Anurag Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.01.2020 passed in Cr. Misc. No. 85464 of 2019. The petitioner is rotting in judicial custody since 18.02.2020 after being remanded in Bakhtiyapur P.S. Case No. 94 of 2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight 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 Bakhtiyarpur P.S. Case No. 489 of 2018 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)

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