

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32960 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- PATEPUR District- Vaishali

KAUSHAL KUMAR SON OF SUNIL KUMAR @ SUNIL KUMAR SAHNI
R/O VILLAGE- KACHCHI PAKKI ATARDAH, P.S.- MUZAFFARPUR
SADAR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Patepur P.S. Case No. 334 of 2022 registered for the offences
punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, there is alleged recovery
of one loaded country made Katta alongwith one live cartridge
from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.12.2022. Petitioner bears one
criminal antecedent in which he is on bail. 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 the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C. Merely on suspicion, the petitioner has been implicated in this case.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties 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 Judicial Magistrate-Ist Class, Vaishali at Hajipur in connection with Patepur P.S. Case No. 334 of 2022, 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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