

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46520 of 2023

Arising Out of PS. Case No.-555 Year-2023 Thana- NAWADA District- Nawada

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Kaushal Kumar Yadav @ Kausal Kumar S/O- Shambhu Yadav Village-
Gondapur Ps- Nagar Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 50801 of 2023

Arising Out of PS. Case No.-555 Year-2023 Thana- NAWADA District- Nawada

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Dipu Kumar S/O Sanjay Vishwakarma R/O Gondapur, P.S. Nawada Town,
District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 46520 of 2023)

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

(In CRIMINAL MISCELLANEOUS No. 50801 of 2023)

For the Petitioner/s : Mr.Mohit Raj

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail in connection with Nawada
P.S. Case No. 555 of 2023, registered for the offences
punishable under Section 414 of the Indian Penal Code and
sections 25(1-b)a, 26/35 of the Arms Act.



3. Learned counsel for the petitioners submits that petitioners have not committed any offence and they have falsely been implicated in this case. He further submits that from bare perusal of the FIR as well as seizure list, it appears that two country made pistols were recovered from possession of Kaushal Kumar (petitioner) and one country made pistol was been recovered from the house of Dipu Kumar (petitioner). He further submits that there is no non-compliance of section 100 Cr.P.C and the arms which were recovered from possession of petitioners are without cartridges. The police after investigation submitted chargesheet and the petitioners are in custody since 05.04.2023 and 04.04.2023 respectively.

4. Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that petitioner no. 1 Kaushal Kumar Yadav carries one case other than the present case, but he fairly submits that in para 3 of the petition, it is stated that petitioner no. 1 is on bail in that case.

5. Considering the facts and circumstances of the case, let the petitioners above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with



Nawada P.S. Case No. 555 of 2023, subject to following conditions:-

(i) Petitioners 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 absence on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witness, in that case, prosecution will be at liberty to move for cancellation of bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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