

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56012 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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KAUSHAL KUMAR @ KAUSHAL THAKUR SON OF SHYAM THAKUR
RESIDENT OF VILLAGE - MATIHANI, WARD NO.2, P.S. - MATIHANI,
DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Begusarai Muffasil P.S. Case No. 93 of 2023 for the offence punishable under Sections 25(1-B)A, 26 of Arms Act and 3/4 of Explosive Act lodged on 18.2.2023 by the informant, Sikamlal Paswan.

As per the prosecution story, on secret information, the house of the petitioner was raided and apprehended with country made revolver as also live cartridge/live bomb and a mobile. Accordingly, seizure, arrest and the FIR.

It is the case of the petitioner that the recovery/seizure is from a joint house, nothing has been recovered from his conscious possession and is in custody since 19.2.2023 (para-13



of the petition).

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the aforesaid submission put forward by the learned counsel for the petitioner, is in custody since 19.2.2023, will be facing the trial and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail only after framing of the charge in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail only after framing of the charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Muffasil P.S. Case No. 93 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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