

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64602 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- BANDHUWA KURAWA District- Banka

Koushal Kumar @ Kousal Kumar Son Of Kouleshwar Yadav @ Kaleshwar
Yadav Resident Of Village - Baghava, Police Station - Bandhuwa Kuraba,
District - Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bandhuwa Kurawa P.S. Case No. 63 of 2023, lodged on
14.07.2023 under Sections 25(1-b)a, 26 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner in whose possession one
country made *katta* has been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that from the seizure list, it has been shown that the
recovery has been made from Hatia. Counsel further submits
that the country made *katta* was empty and it is not in a position



of firing as live cartridge has not been recovered.

5. Learned counsel for the petitioner submits that there is one criminal antecedent of the petitioner in which he is on bail and this case is not related to Arms Act. Counsel also submits that the petitioner is in custody since 15.07.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean, but agrees that the said incident is not of Arms Act and live cartridges has also not recovered from the petitioner's possession.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bandhuwa Kurawa P.S. Case No. 63 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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