

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64771 of 2022

Arising Out of PS. Case No.-478 Year-2022 Thana- FATUA District- Patna

Kaushal Kumar, aged about 23 years, Male, Son of Daya Nand Singh
Resident of Village- Niyajipur, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Fatuha P.S. Case No. 478 of 2022 registered for the offence punishable under Section 399, 402, 414, 420 of the Indian Penal Code (for brevity 'IPC'), 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 and 25(1-b) a/26/35 of the Arms Act.

The petitioner along with others was allegedly planning a 'dacoity'. There is alleged recovery of country made pistol and cartridges from the petitioner. Three (3) litres of illicit liquor has also been recovered from the place of arrest.

Learned counsel for the petitioner submits that his implication is on account of his criminal antecedents. He denies and disputes the recovery of arms from his possession and submits that even as per allegation, recovery of illicit liquor was not from the petitioner's possession. He is stated to be in custody since 09.07.2022.



Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 the learned Special Judge Excise, Patna City, in connection with Fatuha P.S. Case No. 478/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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