

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67690 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- SIKANDRA District- Jamui

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Kailash Kumar @ Kailash Yadav, Son of Bharat Yadav, R/V- Karauta, P.S and
Dist- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Rajesh Kumar Sinha, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Sikandara P.S. Case No. 49 of 2022 giving rise
to Sessions Trial Case No. 346 of 2022 registered for the
offence punishable under Sections 399 and 402 and of the
Indian Penal Code and Sections 25(1-B)a, 26 and 35 of the
Arms Act.

Allegedly, the police on a secret information with
regard to the assemblage of miscreants, raided the place of
occurrence and apprehended accused persons, including the
petitioner. On search, three live cartridges and one misfired



cartridge have been recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery of live cartridge without any arms makes the entire case suspicious for the simple reason that the cartridge without arms is of no use. He further submits that there is no independent witness to the seizure list, apart from the fact that there is no ballistic report, more so, the petitioner is in custody since 11.03.2022 and after completion of the investigation, charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is also found involve in one another criminal case, as has been mentioned in paragraph no. 3.

Regard being had to the submissions made on behalf of the parties and considering the fact of recovery of three cartridges, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – IV, Jamui in connection with Sikandara P.S. Case No. 49 of 2022 giving rise to Sessions Trial Case No. 346 of 2022,



subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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