

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70723 of 2022

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

Kuldeep Kumar S/O Shivnandan Rawat, Resident of village- Palvajan, P.S.-
Sono, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Sikandara P.S. Case No. 49 of 2022 registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, police received secret information about assembly of 10-12 persons near the border of the district. A raid was conducted and four miscreants were apprehended and petitioner is one of the apprehended accused persons. From the possession of this petitioner four live cartridges were recovered. Recovery of fire arms and ammunition were also made from other co-accused persons and



further allegation is that the petitioner and other co-accused persons had been making preparation for commission of dacoity.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is violation of mandatory provisions of the Cr.P.C. so far as it relates to preparation of seizure list. Nothing incriminating has been recovered from the conscious possession of this petitioner or at his instance. Moreover, recovery of only 4 cartridges have been shown from this petitioner, but the same is useless in absence of any fire arm. Charge sheet has been submitted in this case and the petitioner is in custody since 11.03.2022. The petitioner is accused in two other criminal cases but he is on bail in both these cases.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that only recovery shown from this petitioner is that of four cartridges and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Sikandara P.S. Case No. 49 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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