

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44448 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Kailash Roy @ Kaila Son of Dinesh Roy R/O Vill.- Jhajhara, P.S.-
Kusheshwar Asthan, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Session Trial No. 137 of 2024 arising out of Kusheshwar Asthan
(K. Asthan) P.S. Case No. 356 of 2023 lodged on 31.10.2023
under Sections 399/402 of the Indian Penal Code and Sections
25(1-b)a/26/35 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against eight named accused persons including the present
petitioner with an allegation that they have looted CSP operator.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that one mobile phone has been recovered from the



petitioner's possession whereas from the other co-accused namely Md. Dilshad, one country made pistol with two live cartridges have been recovered. Counsel for the petitioner submits that petitioner has been falsely implicated in this case. Counsel further submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which he is persuading for bail. The petitioner is in custody since 31.10.2023. Charge-sheet has already been framed in this case.

5. Learned APP for the State opposes the prayer for bail and submits that they were apprehended at the time of preparation of planning of crime.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail *after framing of charge, if the charge is not framed yet* as well as on being satisfied by the Trial Court that the petitioner is not absconding in *Kusheshwar Asthan P.S. Case No. 349 of 2023* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-Benipur, Darbhanga in connection with Kusheshwar Asthan (K. Asthan) P.S. Case No. 356 of 2023 subject to the condition laid



down under Section 437(3) of the 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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