

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56420 of 2025

Arising Out of PS. Case No.-58 Year-1999 Thana- PHULWARIA District- Begusarai

Kamlesh Kumar, S/o Garib Das Singh, R/o village - Madhurapur Purwari
Tola, P.S- Teghra, District - Begusarai, at present Ganj Par, P.S - Phulwariya,
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvottam Kumar, Adv. Mrs. Asmita Bharti, Adv. Mr. Birendra Prasad Singh, Adv.
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-08-2025 Heard Mr. Sarvottam Kumar, learned counsel for the
petitioner and Mr. Suresh Prasad Singh, learned APP for the
State.

2. Petitioner seeks regular bail in connection with S.T.
No. 238 of 2022, arising out of Phulwariya P.S. Case No. 58 of
1999 dated 26.06.1999 registered for the offences punishable
under sections 25(1-B)(a) and 26 of the Arms Act.

3. The main submissions advanced by petitioner's
counsel are that the FIR of the present matter was lodged in the
year 1999 for the offences punishable under the Arms Act, the
petitioner was chargesheeted on 23.08.1999, cognizance was
taken on 30.08.1999 and the charges were framed upon him on



07.10.1999 and the trial of the petitioner started in the court of First Class Magistrate. It is further submitted that when the petitioner's case was at the verge of its conclusion and his statement had already been recorded under section 313 of Cr.P.C., his case was suddenly committed to the court of sessions by the concerned Magistrate and prior to this, the petitioner had already spent more than two years in jail and accordingly after the commitment, the petitioner has to face a fresh trial for the alleged offences before the court of sessions. It is lastly submitted that the petitioner did not leave his attendance intentionally and he undertakes to cooperate in the trial before the sessions court.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. Considering the aforesaid submissions and mainly the facts that the petitioner had already spent more than two years in jail when his trial was running in the court of concerned Magistrate but thereafter suddenly his case was committed to the court of sessions by the said court of Magistrate and at the time of hearing of this petition, learned APP has not been able to show the reasons for the said commitment and consequently, the petitioner's case is presently pending in the court of sessions, so,



in view of these facts, this Court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above 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 the court concerned in connection with S.T. Case No. 238 of 2022 arising out of Phulwariya P.S. Case No. 58 of 1999, on the condition :-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on three consecutive dates without sufficient reason, the trial court shall take steps for cancellation of his bail bond.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

