

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47183 of 2014

Arising Out of PS.Case No. -227 Year- 2014 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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1. Kanhaiya Kapar S/o Rajgir Kapar resident of village-Raghunathpur,
Sahebpur Kamal, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abul Kalam

For the Opposite Party/s : Mr. Surendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-02-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Sahebpur
Kamal P.S. Case No. 227 of 2014 registered for the offences
punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

Allegedly, during search one loaded country made
pistol was found kept below the pillow of the petitioner and six
cartridges were found kept in black Bindoliya kept behind the
pillow of co-accused Sunny Kapar.

Submission is that Sunny Kapar has already been
allowed bail by the court below itself and the petitioner is
suffering in custody since 30.8.2014. The alleged search and
seizure is not in accordance with law. During course of

investigation not a single witness has come forward to support the recovery of illegal firearms and the petitioner is not aware regarding the said pistol and he being not aware slept in that room of mobile tower which is accessible to all. The petitioner by remaining in custody has sufficiently been punished.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above and considering the recovery and period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Begusarai in connection with Sahebpur Kamal P.S. Case No. 227 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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