IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5616 of 2017

Arising Out of PS.Case No. -172 Year- 2016 Thana -DELHA District- GAYA

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Kanhaiya Kumar @ Kanhaiya Kumar Paswan S/o Late LavKush Paswan, Resident of Mohalla- Badki Delha Vijay Bigha, P.S.- Delha, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vinod Kumar
For the Opposite Party/s : Mr. Sri Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 08-02-2017 Heard both sides.

The petitioner seeks regular bail in connection with Delha P.S. Case No. 172 of 2016 instituted for the offences punishable under Sections 399/402 of the I.P.C. and 25(1-B)A/26/35 of the Arms Act.

The police on a tip off conducted raid at the house of one Shankar Sao and apprehended seven persons. The house was searched and from the possession of Shankar Sao, a loaded country made pistol and four cartridges were recovered. Accused Chhotu Paswan while confessed about his presence disclosed that he and this petitioner (Kanhaiya Paswan) seeing the police party threw their pistols and cartridges towards hill area.

Learned counsel for the petitioner submits that he is

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resident of same locality and while passing through the place of occurrence, he was apprehended by police merely on suspicion. Nothing has been recovered from his possession and he remained in custody since 02.10.2016.

Learned APP, on the other hand, opposed the submission.

From the seizure list, it appears that the seizure was made from the other co-accused and nothing has been recovered from his possession. His name was disclosed by co-accused Chhotu Paswan regarding his presence at the place of occurrence.

Considering the above facts, the prayer of bail is allowed and he (Kanhaiya Kumar) is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M. Gaya in connection with Delha P.S. Case No. 172 of 2016.

(Sanjay Kumar, J)

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