

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28099 of 2018

Arising Out of PS. Case No.-24 Year-2017 Thana- SAMHO District- Begusarai

Kanhaiya Kumar, son of Bal Ram Choudhary, Resident of Village- Akbarpur,
Danha, P.S. Sambho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Dilip Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody
since 01.10.2017 in connection with Sambho P.S. Case
No. 24 of 2017 for offences punishable under Section 414
of the Indian Penal Code and Sections 25(1-B), a, 26, 35
of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that some
miscreants are in a motorcycle carrying arms, the police
apprehended the petitioner, while two persons managed to
flee away. On search, one country-made pistol, one live
cartridge, mobile and motorcycle was recovered.



Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been committed by him, charge-sheet has already been submitted and he is languishing in judicial custody for more than seven months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Begusarai, in connection with Sambho P.S. Case No. 24 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty



to move the learned court below for cancellation
of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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