

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22322 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- DEORIYA District- Muzaffarpur

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Kavindra Kumar @ Kabindra Kumar Son of Bhuna Sahani @ Bhuvneshwar
Sahani Resident of Village : Nirpur Chowk, Police Station : Sahebganj,
District : Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha
For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.12.2017 in connection with Deoriya P.S. Case No. 90 of
2017, G.R. No. 3034 of 2017 for offences punishable under
Sections 399, 402, 414, 34 of the Indian Penal Code and
Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the informant
police personnel, is that on secret information that some persons
have assembled to commit crime, the police conducted a raid
and apprehended the petitioner along with other accused persons
and on search stolen arms and ammunitions were recovered.
Petitioner is alleged to have possessed one country-made



pistol loaded with one live cartridge and three more cartridges.

Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case due to highhandedness of the police. He submits that no overt act has been committed, nothing has been recovered from his conscious possession and charge-sheet has already been submitted.

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 Judicial Magistrate 1st Class, Muzaffarpur, in connection with Deoriya P.S. Case No. 90 of 2017, G.R. No. 3034 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)

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