

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29483 of 2022**

Arising Out of PS. Case No.-234 Year-2021 Thana- HUSSAINGANJ District- Siwan

KANHAIYA KUMAR SON OF NARESH YADAV RESIDENT OF  
VILLATE - SIDHWAL PS- HUSSAINGANJ DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH  
ORAL ORDER**

2      22-08-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within one  
  
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Hussainganj P.S. Case no.  
234/2021 registered for the offences punishable under sections 25(I-  
B)a, 26, 35 of the Arms Act.

As per allegation, police raided the house of this petitioner  
and recovered two pistols from bed room of the petitioner and on the  
disclosure statement made by the petitioner and co-accused, police  
also recovered five pistols and 35 cartridges from petitioner's house  
kept in a box as well as knife and gold ornaments.

The main submissions advanced by Sri Surendra Kumar  
Mishra, the learned counsel for the petitioner are that as per FIR  
some ornaments are alleged to have been recovered but seizure list



goes to show that no such recovery was made as there is no such detail in the seizure list, against the petitioner, there is only statement of co-accused Suresh Choudhary which has no evidenciary value. Further submission is that petitioner has been languishing in jail since 22.9.2021 and co-accused persons, namely, Sonu Kumar and Manish Kumar Yadav have been granted bail by a coordinate bench of this court vide orders passed in Cr. Misc. no. 5446 of 2022 and Cr. Misc. no.6323 of 2022.

Sri Akshay Lal Pandit, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and seizure list attached to the FIR. As per allegation in the FIR, seven firearms including knife and gold ornaments were recovered from the house of the petitioner and some of the arms were recovered on the disclosure made by this petitioner, the allegation appearing against the petitioner seems to be more serious than the co-accused who are on bail. Accordingly, petitioner's case does not stand on similar footing.

Considering these facts, in the opinion of this Court, petitioner does not deserve to the privilege of bail and accordingly his prayer for bail stands rejected.

**(Shailendra Singh, J)**

s.hassan/-

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