

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23138 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- KHAGARIA RAIL P.S. District-
Khagaria

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Kanhaiya Kumar Son Of Gholat Yadav Village- Srinagar, Chharrapatti, Ward
No. 07, P.S. Sahebpur Kamal, Distt. Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party : Mr. Bishwehsar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khagaria (Rail) P.S. Case No. 158 of 2022 dated 28.10.2022,
instituted for the offences punishable under Sections 25(1-B)a,
26 and 35 of the Arms Act.

3. Allegation is made against the petitioner of
recovery of one country-made pistol and fifty live cartridges
from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in this
case. It is submitted that as per the seizure list, the said seized
articles were recovered near the Foot Bridge of Khagaria



Railway Platform No. 2. It is further submitted that nothing has been recovered from the possession of the petitioner rather the recovery has been made from the other co-accused, namely, Bittu Kumar, but it is high handness of the Police that the recovery was shown from the possession of the petitioner. Further, it is submitted that the Police has not followed the mandatory provisions of Section 100 of Code of Civil Procedure. Lastly, it has been submitted that the petitioner is in custody since 29.10.2022, has no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Rail Magistrate, in Khagaria (Rail) P.S. Case No. 158 of 2022.

(Khatim Reza, J)

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