

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53922 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- NAYAGAON District- Begusarai

Kanhaiya Kumar, Son of Sant Kumar Singh, Resident of Village - Hemarpur,
Sonapur, P.S.- Nayagaon, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Nayagaon
P.S. Case No.33 of 2022, registered for the offence punishable
under Sections 25(1-b)/a/26/35 of the Arms Act.

Petitioner along with others allegedly have assembled
for plotting some crime. Petitioner is earlier accused in two
other cases, as per disclosure made in paragraph 3 of the bail
petition. The police party has reached the place from where the
petitioner has been arrested and from his possession, a loaded
pistol with two live cartridges has been recovered and a *Vivo*
make mobile phone.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.05.2022. The recovery is denied



and disputed as being contrary to the mandatory procedure for seizure. It is also submitted that the petitioner was arrested on 07.05.2022 at Jasidih Junction of Jharkhand, whereafter he has been shown as arrested in this case on 10.05.2022. In this connection, it is submitted that Complaint Case No.9419 of 2022 has been filed.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the recovery as also the period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Neha Kumari Bhalotia, learned J.M.-1st, Begusarai, in connection with Nayagaon P.S. Case No.33 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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