

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58880 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- WARISNAGAR District- Samastipur

Kanhaiya Kumar Son of Late Digamber Jha R/o vill - Dharampur, P.S. -
Rosera, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Section 414 of the Indian Penal
Code and Sections 25(1-B)A, 26 and 35 of the Arms Act.

3. As per allegation in the FIR, the police party
apprehended the petitioner along with other co-accused Vikash
Kumar Yadav on the spot with a motorcycle. On search, one
country made pistol and two live cartridges were recovered from
the possession of the petitioner and one mobile was recovered
from pant pocket of co-accused Vikash Kumar Yadav. On asking,
they could not produce any paper in respect of seized arms and
motorcycle.

4. It is submitted by learned counsel for the petitioner is



innocent has committed no offence. He has been falsely implicated in this case. He has no concern with the alleged recovery of arms which were seized by the police. So far as the question of Section 414 of I.P.C. is concerned which is no applicable against the petitioner because recovered motorcycle is not theft property rather it belongs to the friend of the petitioner namely Baidyanath Kumar as per Annexure-2. Petitioner has got no criminal antecedent and languishing in judicial custody since 05.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class, Samastipur in connection with Warisnagar P.S. Case No. 154 of 2023.

(Sunil Kumar Panwar, J)

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