

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57253 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- BHAGWANPUR District- Vaishali

Kanhai Kumar @ Kanhai Sahani, Gender- male, aged about 25 years, S/O
Prabodhi Sahni @ Ram Prabodh Shani Resident of village- Inayat Nagar,
P.S.- Goraul in the District of Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Bhagwanpur
PS Case No. 166 of 2022 registered for the offence punishable under
Sections 399 and 402 of the Indian Penal Code and Section 25(1-b)a,
26 and 35 of the Arms Act.

On receiving information regarding assembly of some
anti-social elements police has come to the place of occurrence from
where the petitioner has been arrested. It is alleged that from the
petitioner there is recovery of '*desi katta*' and cartridge.

Learned counsel for the petitioner submits that it is a case
of false implication based on extraneous consideration. Petitioner is
in custody since 10-07-2022. The recovery is not in accordance with
Section 100 of the Code of Criminal Procedure.

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

Considering the rival submissions, nature of accusation,
and petitioner's 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 the learned CJM, Vaishali at Hajipur, in connection with Bhagwanpur PS Case No. 166 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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