

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4975 of 2024

Arising Out of PS. Case No.-450 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Kanhaiya Kumar Son Of Shivji Mahto Resident Of Village - Jitwarpur
Nizamat, P.S. - Samastipur Muffasil, District - Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 450 of 2023 lodged under Sections 25(1-
B)a/ 26 and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the four named accused persons with allegation
that from the shop one bag and from the bag, one desi pistol and
live cartridges have been recovered in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that from the conscious possession of the petitioner, the
recovery of mobile has been made from his pocket.

5. Counsel further submits that petitioner is in custody
since 08.10.2023 having clean antecedent.



6. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has not been framed till date.

7. Learned counsel for the State opposes the prayer for bail and submits that the said bag has been recovered from inside the shop and petitioner is admittedly owner of the shop, therefore, the said recovery has alleged to be made from his possession.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur in connection with Muffasil P.S. Case No. 450 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

Prakashmani/-

(Dr. Anshuman, J.)

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