

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80891 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- PURNAHYA District- Sheohar

Kanhaiya Kumar @ Ashutosh Kumar Yadav @ Ashutosh, S/o Sunil Kumar
Yadav, Resident of Village- Narayanpur, (Pupri), P.S.- Pupri, Dist- Sitamarhi
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Saurav Anand, Advocate
	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Purnahiya P.S. Case No.94 of 2024 registered for the
offences punishable under Sections 25(1-B)a, 26 and 35 of
the Arms Act.

3. The accused/petitioner is named in the FIR and
is in custody since 07.09.2024.

4. The allegation against the petitioner is to have in
possession of two live cartridges and one country-made pistol
along with other co-accused persons.

5. It is submitted by learned counsel appearing for
the petitioner that no firearm and live cartridges as alleged to



be recovered from the petitioner rather as per seizure list only one mobile and cash of Rs.1500/-, which belongs to the petitioner appears to be recovered. It is further pointed out by learned counsel that the compliance of Section 105 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') not appears to be followed in present case, which is otherwise mandatory. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as no firearm and live cartridges alleged to be recovered from the possession of petitioner rather as per seizure list only one mobile and cash of Rs.1500/-, which belongs to the petitioner appears to be recovered, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 07.09.2024, accordingly, the petitioner, above-named, is directed to be



released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sheohar in connection with Purnahiya P.S. Case No.94 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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