

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9866 of 2017

Arising Out of PS.Case No. -2 Year- 2014 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Himanshu Singh son of ate Vidya Singh, resident of village - Siswa Patna,
P.S. Kesariya, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the State : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 26-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This application under Sections 439 and 440 of the Code
of Criminal Procedure has been filed for grant of provisional bail
to the petitioner, who is languishing in jail in connection with
Kesariya P.S. Case No.02 of 2014 registered under Section 302/34
of the Indian Penal Code.

It is contended by the learned counsel for the petitioner
that the wife of the petitioner, namely, Renu Devi needs
immediate medical attention as few enlarged lymph nodes are seen
in the bilateral inguinal region, largest one measuring 10 mm
dimension in CECT of the whole abdomen conducted recently.
The doctor treating her has opined that she needs major surgical
treatment. In order to support his submission, learned counsel for



the petitioner drew my attention towards the medical prescription and opinion of the doctors.

Learned counsel for the State has opposed the prayer for bail of the petitioner on the ground that earlier this Court has rejected the application of the petitioner twice on merits. He submitted that the petitioner is the main accused in a case under Section 302 of the Indian Penal Code with specific allegation that he inflicted *Chhura* blow causing injury in the abdomen of the brother of the informant as a result of which he died.

Considering the submissions made on behalf of the parties, the petitioner Himanshu Singh is directed to be released on provisional bail for a period of three weeks from the date of release on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, East Champaran, Motihari in connection with Sessions Trial No.602 of 2014 arising out of Kesariya P.S. Case No.02 of 2014 with a condition that one of the sureties must be a Government servant/elected people's representative of Panchayat/Municipality and the other one shall be a close relative.

The petitioner must surrender immediately after expiry of the stipulated period of three weeks before the trial court and an



affidavit in this regard should be filed before this Court. On filing of the affidavit by the petitioner, the Registry is directed to place the records before the Court for perusal.

(Ashwani Kumar Singh, J)

Md.S./-

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