

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42015 of 2018

Arising Out of PS. Case No.-157 Year-2017 Thana- KALYANPUR District- East Champaran

HIMANSHU KUMAR @ HIMANSHU KUMAR SINGH, Son of Lal Babu Singh, Resident of Village- Pipra Khem, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 14-08-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Kalyanpur P.S. Case No. 157 of 2017 registered for the offence punishable under Sections 353, 307, 429, 414 and 216 of the Indian Penal Code and Section 25 (1-b) (a), 26, 27, 35 of the Arms Act.

Informant is the SHO, who in his written complaint has stated that on 10.09.2017 at about 11.00 PM when he was on patrolling duty he received a confidential information that in the Hira Chappra (Andhra Chapra) village, in the house of Dharmendra Singh, veteran criminal Kunal Singh and his associates are frequent visitors. On said day Kunal Singh and his



associates had reached the house of Dharmendra Singh and this information came in the knowledge of Golu Dubey, member of Bablu Dubey gang. Golu Dubey wanted to attack the gang of Kunal Singh. On such information of SHO, a raiding team was constituted and when the team was reached the destination they heard the sound of firing and surrounded the house of Dharmendra Singh, upon which accused persons began to flee. Thereafter the police found one injured person with arms, namely, Himanshu Kumar (petitioner), who had also a firearm injury in his right leg below the knee. It is further alleged that the said Himanshu Kumar informed the police that he and his associates had gone to the house of Dharmendra Singh on two motorcycle. In the meanwhile Golu Dubey and his associates started indiscriminate firing on them and they tried to flee away and in the meantime accused Dharmendra Singh was arrested by the police and the petitioner was also taken into custody and was taken to S.K.M.C.H. Muzaffarpur for treatment.

It has been submitted that petitioner is innocent and has been falsely implicated in this case. No occurrence had



taken place as alleged in the FIR. There is no specific allegation against the petitioner. It has further been submitted that similarly situated persons have already been granted bail by a Co-ordinate Bench of this Court vide order dated 17.11.2017, 12.12.2017, 18.12.2017, 11.01.2018 and 09.03.2018 passed in Criminal Misc. No. 54972 of 2017, Cr, Misc. No. 58322 of 2017, 58553 of 2017, 56333 of 2017 and 4298 of 2018 respectively.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Session Judge-cum-Special Judge, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 157 of 2017.

(S. Kumar, J)

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