

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31466 of 2020

Arising Out of PS. Case No.-74 Year-2020 Thana- KATHAIYA District- Muzaffarpur

HIMANSHU KUMAR Son of Diwakar Choudhary, Resident of Village-
Dewaria Choudhary Tola, P.S.- Dewaria, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Adv.

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-12-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Kathaiya P.S. Case No.74 of 2020 registered under Sections 399 and 402 of the IPC, under Sections 25(1-b)a, 26 and 35 of the Arms Act and under Sections 8, 20 and 22 of the N.D.P.S. Act.

The informant alleged that after having received secret information about assemblage of miscreants near Uttar Bihar Gramin Bank situated in village Jasauli went to verify the information and apprehended five persons, who disclosed their names as Bipul Kumar, Shashi Ranjan, Himanshu Kumar, Mukul Shukla and Vishal Kumar. On search, from possession of Bipul Kumar, one packet *charas* weighing about 250 grams, one mobile and one loaded pistol were recovered. From possession of Shashi Ranjan, one loaded country made pistol and two



mobiles were recovered. From possession of Mukul Shukla, two live cartridges and one mobile were recovered. From possession of Himanshu Kumar (petitioner), one live cartridge, two empty cartridges and one mobile were recovered. From possession of Vishal Kumar, one mobile was recovered. Four A.T.M. Cards were also recovered from the box of Alto Car.

Learned counsel for the petitioner submits that save and except one live cartridge, two empty cartridges and one mobile, nothing has been recovered from possession of the petitioner. The petitioner is in jail since 20.06.2020 and he has got no criminal antecedent.

Taking into consideration the facts that for recovery of one live cartridge, two empty cartridges and one mobile, the petitioner has remained in jail for more than five months, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Kathaiya P.S. Case No.74 of 2020.

(Prabhat Kumar Jha, J)

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