

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1758 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- GAMAHARIYA District- Madhepura

HIMANSHU KUMAR @ BITTU YADAV S/o Arjun Prasad Yadav R/o
village- Toksi Sripur, P.S.- Gamahriya, Distt.- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Prasad Verma
For the Informant	:	Mr. Apurva Harsh
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 17-05-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Gamharia P.S. Case No.

135 of 2020, registered for the offence punishable under

Sections 302/34 of the Indian Penal Code and section 27 of the

Arms Act.

As per the prosecution case, while the father of

informant was returning to his home, some unknown miscreants

fired upon him, as a result of which he sustained firearm injury

and while he was taken to the hospital died on the way.

It is submitted on behalf of the petitioner that



petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Prahlad Kumar. Save and except the confessional statement there is no material against this petitioner. Co-accused Suraj Kumar has been granted bail by this Hon'ble Court. Petitioner is in custody since 19.08.2020 having clean antecedent.

Considering the facts and circumstances of the case and the fact that petitioner bears clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Madhepura in connection with Gamharia P.S. Case No. 135 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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