

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14909 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- GAYA MUFASIL District- Gaya

HIMANSHU KUMAR Son of Mr. Syamnandan Prasad Resident of Village -
Manpur Kumhar Toli, P.s.- Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivam, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that the petitioner who is married to his niece Kajal Kumari came in a drunk condition and took away his wife. Thereafter, it is stated that he came with other boys and took away the son of the informant to his house. Subsequently the informant received information about his son having been murdered. In this connection on making inquiries from his niece Kajal Kumari, the informant states that she informed that the accused persons including the petitioner herein who happens to be her husband,



consumed liquor and thereafter had shot the informant's son.

It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. Admittedly the informant is not an eye witness to the occurrence and at best the case may be a case of circumstantial evidence. The statement of the niece of the informant Kajal Kumari has not been recorded under section 161 of the Cr.P.C. The petitioner is in custody since 7.12.2021 and undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

On perusal of the case diary it is submitted by learned A.P.P for the State that it is correct that the statement of Kajal Kumari has not been recorded in the case diary.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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