

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23151 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- BHAGWANPUR District- Begusarai

HIMANSHU KUMAR Son of Dinesh Chourasia @ Dinesh Chaurasiya
Resident of Village - Akha, P.s.- Bhagwanpur, Dsitt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 245 of 2021 registered for the
offences punishable under Sections 25(1-b)a, 26/35 of the Arms
Act.

As per prosecution case, there is alleged recovery
of one country made pistol as well as one Samsung mobile from
the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.12.2021. Petitioner bears
criminal antecedent of seven cases for which it has clearly



mentioned in bail petition that he has personal enmity with S.H.O. of Nagar Thana and for this the petitioner has already filed Sanha before Learned C.J.M., Begusarai which is mentioned at Annexure-3 of bail petition. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that seizure list has not been prepared as per law. Petitioner has no concern with the alleged recovery.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Nasim Nazar learned Judicial Magistrate, 1st Class, Begusarai in connection with Bhagwanpur P.S. Case No. 245 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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