

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33330 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- GWALPARA District- Madhepura

Himanshu Kumar S/o Kaushal Kishore Yadav R/o village- Surmaha, P.S.-
Sour Bazar (Patarghat O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 224, 225,
341, 323, 307, 353, 504 of the Indian Penal Code and Section 27
of Arms Act.

According to prosecution case, on secret information
when the police party raided the village Shyam where the
notorious criminals are present, in course of which the police
caught hold of three miscreants, Raja Yadav, Robin Yadav and
one another , the Raja Yadav and Robin Yadav raised alarm
loudly on which F.I.R. named persons including petitioner and
about 100 unknown people armed with deadly weapons



assembled and encircle the police party and scuffle took place with the police and made firing over police party and released the notorious criminals Raja Yadav and Robin Yadav forcibly by the mob.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there was no recovery of arms from the possession of the petitioner so there is no case is made out under the Arms Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Court below where the case is pending in connection with Gwalpara P.S. Case No. 27 of 2022, subject to the following conditions:-



1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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