

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42868 of 2022**

Arising Out of PS. Case No.-74 Year-2021 Thana- BARGAINIA District- Sitamarhi

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HIMANSHU JHA S/O LATE HIRA JHA Resident of Village- Sugaon, P.S.-  
Sugauli, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr.Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      06-09-2022                      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  
Bairganiya P.S. Case No. 74/2021 registered for the offences  
punishable under Sections 399, 402 & 414 of the Indian Penal  
Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of  
one loaded country made pistol from waist as well as one live  
cartridge from the pocket of the petitioner.

Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case. No incriminating article has been recovered from the



possession of the petitioner. The petitioner is languishing in custody since 17.04.2021 and bears criminal antecedent of 03 cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, charge sheet has already been submitted in this case 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XII, Sitamarhi in connection with Bairganiya P.S. Case No. 74/2021, 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.

**(Alok Kumar Pandey, J)**

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