

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47199 of 2022

Arising Out of PS. Case No.-52 Year-2018 Thana- PANDARAK District- Patna

HIMANSHU KUMAR @ HIMANSHU SINGH S/O SURAJ SINGH @
SURAJ KUMAR SINGH Resident of village- Hafizpur Karmaur, P.S.-
Pandarak, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagadeo Choubey

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

This is the third attempt of the petitioner to approach
before this Court for bail.

Vide order dated 19.10.2022, a report was called for
from the learned Court below regarding the stage of the trial and
the time likely to be taken in conclusion of the trial. In
compliance thereof, a report dated 05.11.2022 has been sent by
the learned Judge, which is at Flag 'A' to this application. In his



report, the learned Judge has, *inter alia*, stated that the trial may be concluded within six months.

The petitioner seeks bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The petitioner has one criminal antecedent and has been languishing in custody since 17.05.2018.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pandarak P.S. Case No.52 of 2018, Sessions Trial No.881 of 2019, subject to the following conditions :

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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