

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48181 of 2022

Arising Out of PS. Case No.-452 Year-2013 Thana- NAUBATPUR District- Patna

HIMANSU KUMAR @ HIMANSU PASWAN @ HINANSU KUMAR Son
of Om Prakash Paswan Resident of Village - Baruna, P.S.- Naubatpur, District
- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Session Trial No. 338 of 2021 arising out of Naubatpur P.S. Case No. 452 of 2013, registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated 03.03.2022 passed in Criminal Miscellaneous No. 42255 of 2021.

The case of the prosecution, in brief, is that the father and sister of the informant had gone to the field to cut paddy and at about 12:30 in the afternoon, when they were returning



after cutting paddy, four accused persons including the petitioner herein had surrounded them, whereafter they had fired gunshots on the father of the informant resulting in his death.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 28.01.2021 and there is no progress whatsoever in the ongoing trial, hence the petitioner be granted bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer of the petitioner for grant of bail and has submitted that the earlier order of this Court dated 03.03.2022 passed in Criminal Miscellaneous No. 42255 of 2021 is an exhaustive order which has taken into account each and every aspect of the matter and it has also been recorded in the said order that it is apparent from the materials available in the case diary and the statement of the eye witnesses that the complicity of the petitioner in the alleged crime is writ large on the face of the records and moreover there are ample materials on record to show that the petitioner had fired gun shots along with other accused persons on the father of the informant resulting in his death.

Having regard to the facts and circumstances of the case, I do not find any reason to reconsider the prayer of the



petitioner for grant of bail, more so in view of the fact that there is no change in circumstance, hence considering the fact that the petitioner is having complicity in the alleged offence and is *prima facie* responsible for the death of the father of the informant on account of gun shots fired by him and others, the present petition, stands dismissed, sans any merit.

(Mohit Kumar Shah, J)

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