

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25579 of 2023

Arising Out of PS. Case No.-479 Year-2021 Thana- GAYA MUFASIL District- Gaya

Himanshu Kumar, Son of Sri Shyam Nandan Prasad, R/v- Manpur, Kumhar Toli, P.S.- Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate Mr. Santosh Kumar, Advocate Mr. Satyendra Kumar Bhatnagar, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that the petitioner was married to his niece. He came in a drunk condition and took away his wife and soon thereafter he came with others and took away his son. Subsequently, the informant received information about the killing of his son. It is further stated that the niece of the informant informed that the accused persons including the petitioner herein consumed liquor and shot the informant's son.

It is submitted by learned counsel for the petitioner that



the earlier prayer for bail of the petitioner was rejected vide order dated 22.12.2022 (Annexure-1) passed in Cr. Misc. no.14909 of 2022 giving liberty to the petitioner to renew his prayer for bail after framing of charge.

Learned counsel for the petitioner refers to the order dated 20.2.2023 passed in Sessions Trial no.102 of 2022 by the learned Additional District Judge-X, Gaya whereby the prayer for regular bail of the petitioner was rejected to show that the learned Additional District Judge has observed that the case was committed to the Court of Sessions, charge has been framed and one witness has been examined in the case. Learned counsel further submits that the petitioner is in custody since 7.12.2021 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner having remained in custody for more than one year since 7.12.2021, the observation granted in the earlier order of rejection dated 22.11.2022 and charge having been framed in the case in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 102 of 2022 (arising out of Muffasil (Gaya) P.S. Case no. 479 of 2021 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the
like amount each to the satisfaction of the learned Additional
Sessions Judge- X, Gaya.

(Partha Sarthy, J)

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