

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54275 of 2023**

Arising Out of PS. Case No.-244 Year-2021 Thana- DUMARIAGHAT District- East
Champanan

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Himanshu Kumar, Son of Brajesh Kumar Srivastava @ Brajesh Kumar,
Resident of Village-Jaisinghpur Tola Madhupur, P.S. - Turkauliya, Distt. -
East Champanan

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner, who is in custody since 10.01.2022, has renewed his prayer for bail in connection with Dumariyaghat P.S. Case No. 244 of 2021, having earlier been rejected by order dated 22.08.2022 in Cr. Misc. No.26265 of 2022 for the alleged offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, the Pick-Up van of the informant was looted by some miscreants at gunpoint and the name of the petitioner transpired during investigation as one of the robbers.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated



22.08.2022 passed in Cr. Misc. No.26265 of 2022. The learned counsel further submits that the petitioner was apprehended in Turkauliya P.S. Case No. 930 of 2021 under Sections 414, 413/34 of the Indian Penal Code and Section 25 (1-B), 26, 35 of the Arms Act and he has been enlarged on bail by a Coordinate Bench of this Court in the said case. The learned counsel further submits that the SHO has been examined as P.W.4 and he has admitted that no TIP was conducted for identification of the petitioner. The learned counsel further submits that similarly placed co-accused Vishal Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 11.04.2023 passed in Cr. Misc. No.63233 of 2022. The petitioner is in custody since 10.01.2022. The learned counsel also submits that while rejecting the prayer for bail of the petitioner, the learned trial court was directed to conclude the trial within a period of nine months, but there is no chance of early conclusion of the trial.

5. Learned A.P.P. opposes the prayer for bail of the petitioner. The learned APP submits that no fresh ground has been brought on record to consider the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances of the



case and submissions made here-in-above and considering the slow pace of the trial and no likelihood of its conclusion in near future and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 11th Additional Sessions Judge, Motihari, East Champaran, in connection with Dumariyaghat P.S. Case No. 244 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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