

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57712 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- BASANHI District- Saharsa

Himanshu Kumar @ Baua Son Of Vijay Kumar Saxsena @ Vijay Kumar @
Vijay Yadav R/V- Mariya, P.S- Basnahi, Dist- Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 457, 307/34 of the Indian Penal Code, Section 27 of Arms Act.

As per allegation in the FIR, the allegation against the petitioner and co-accused, Chotu Kumar, forcibly entered into the house of informant with an intention to kill the elder son of the informant, namely, Prince Kumar. It is also alleged that they fired upon the chest of Prince Kumar, due to which he sustained gun shot injuries.



It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case due to previous enmity. There is no any eye witness of the alleged occurrence and only on the basis of last seen the name of petitioner sprang up in this case. From perusal of the injury report, it is evident that only 1 lacerated penetrating wound is sustained by the injured, Prince Kumar, while allegation of shot fire is levelled upon 2 accused persons. Moreover, the petitioner is languishing in judicial custody since 23.05.2022.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Basnahi P.S. Case No. 64 of 2022 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 A.C.J.M.-III, Saharsa.

(Sunil Kumar Panwar, J)

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