

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.62509 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- BAUNSI District- Banka

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HIMANSHU KUMAR Son of Late Prayag Yadav R/v- Jhalar, P.S.-
Bandhawa Kusaba, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.



The petitioner seeks bail in connection with Bounsi P.S. Case No. 120 of 2022, registered for the offences punishable under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

The prosecution case as emerges from the FIR is that on a secret information that some miscreants, having weapons, have assembled at the C.N.D. High School, near Bounsi Bazar, the police conducted a raid and apprehended three persons at the spot. Some incriminating articles were also recovered from the possession of the apprehended accused persons.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that seizure list witnesses are Police Constables, so there is violation of mandatory provisions of the Cr.P.C. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that other co-accused persons, namely, Niranjana



Kumar Yadav and Prince Kumar have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 23.01.2023 and 23.12.2022 passed in Cr.Misc. No. 60430 of 2022 and Cr.Misc. No. 59241 of 2022 respectively.

He further submits that the petitioner has been languishing in jail since 30.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M.,



Banka in connection with Bounsi P.S. Case No. 120 of 2022
on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has criminal antecedents other than
the disclosed one, Ld. court below shall cancel the bail bonds
of the petitioner after hearing him and getting satisfied that
the petitioner has concealed his criminal antecedents despite
his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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