

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71564 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NARAINPUR District- Bhojpur

HIMANSHU KUMAR @ HIMANSHU YADAV Son of Harendra Singh @
Harendra Kumar Singh R/v- Bajaruha, P.S.- Udawant Nagar, District-
Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-03-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 302, 307/34
of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, while the informant along
with his two friends Ayush Raj Singh and Chitranjan Yadav
were returning from Agiaon on a motorcycle, meanwhile, the
accused persons on two motorcycles overtook them and co-
accused Tiwari Yadav fired upon Ayush Raj Singh due to which
he sustained gun shot injury. Thereafter, the Ayush Raj Singh
@Sonu Kumar was taken to hospital for treatment, where doctor
declared died.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in FIR rather he has falsely been implicated in this case merely on suspicion. The specific allegation of shot fire is attributed to co-accused Tiwary Yadav and Adam Miya. The name of the petitioner has sprang up in this case on the basis of confession made by co-accused namely, Arbind Yadav who is already getting the privilege of bail granted by learned Court below vide order dated 15.2.2023. Nothing consistent evidence has come against this petitioner in this case to show his complicity in the alleged offence. It is further submitted that the petitioner is languishing in judicial custody since 30.9.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Narayanpur P.S. Case No. 61 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of
learned A.C.J.M.-VI at Ara.

(Sunil Kumar Panwar, J)

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