

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77371 of 2023**

Arising Out of PS. Case No.-206 Year-2023 Thana- SAHARSA SADAR District- Saharsa

HIMANSHU KUMAR @ LALU YADAV @ HIMANSHU KUMAR LALU
S/O MUNGALAL YADAV R/O VILLAGE- SAHPUR, P.S- SAHARSA,
DISTT.- SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 1498, 302, 120B of the Indian Penal Code and Sections 25(1-B)a, 26, 27 & 35 of Arms Act.

3. As per prosecution case, FIR named accused persons along with some unknown are alleged to have shot dead the prisoner Prabhakar Kumar in the court premises.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. His name was transpired during investigation on the basis of confessional statement of



co-accused Vivek Kumar, Rajeev Kumar and Nandan Kumar. It is also submitted that the confession before police is inadmissible in the eye of law. No any consistent evidence has come against the petitioner to connect him the alleged occurrence. The petitioner is languishing in judicial custody since 1.5.2023. Moreover, similarly situated co-accused namely, Vivek Kumar has already been granted bail by this Court vide order dt. 29.11.2023 passed in Cr. Misc. No. 56591 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. 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 him on bail. The above named petitioner is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 206 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa.

(Sunil Kumar Panwar, J)

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