

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19364 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- KARPURIGRAM District- Samastipur

Himanshu Kumar S/O- Shravan Kumar R/O- Village- Baghi, P.S.-
Karpurigram, Dist.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Karpurigram P.S. Case No. 135/2023 lodged on 17.11.2023 under Sections 399, 402 of the Indian Penal Code and Section 25 (1-B)a, 26/35 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against six named accused persons, including the present petitioner against whom there is an allegation that they were planning to commit robbery. But, in the meantime, on the basis of secret information, the police raided and apprehended them. During raid, arms and other materials have been recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is true



that the arms have been recovered, but the said recovery has been made from the possession of co-accused, Bhola Kumar and Himanshu Kumar whereas from the possession of the petitioner only mobile phone has been recovered. The petitioner is accused in three more criminal cases and he is in custody since 18.11.2023. Moreover, similarly situated co-accused, namely, Bhola Kumar has been directed to be released on bail, after six months of the framing of the charge vide order dated 22.0.2024 passed in Criminal Miscellaneous No. 10970 of 2024.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after four months of the framing of charge, if not framed and the trial Court on being satisfied that the petitioner is not absconding in Karpurigram P.S. Case No. 131/2023 (ii) Karpurigram P.S. Case No. 134 of 2023 and Ujiarpur P.S. Case No. 420 of 2023**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the



satisfaction of learned J.M. 1st Class, Samastipur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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