

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27621 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- PATLIPUTRA District- Patna

Himanshu @ Himanshu Kumar S/O Anjni Kumar Yadav @ Anjni Kumar R/O
Village- Mainpura, P.S- Patliputra, Distt.- Patna (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek

Mr. Ayush Kumar

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-07-2024 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Patliputra P.S. Case No. 163 of 2022 registered for the offences punishable under Sections 365 and 366 of the Indian Penal Code.

3. The allegation against petitioner is to blackmail the daughter of the informant along with co-accused person namely Arnav and due to said blackmailing on 22.03.2022 the daughter of the informant committed suicide by jumping from the Digha



bridge.

4. It is submitted by learned counsel for the petitioner that as the petitioner having two criminal antecedents out of said suspicions he was named with present FIR being one of the friend of co-accused Arnav with whom the daughter of the informant had love affair. It is submitted that except suspicion as name of the petitioner was taken in confessional statement of co-accused Arnav, nothing incriminating surfaced during investigation against him till now. It is pointed out that during investigations police categorically mentioned in para no. 27 of the case diary that daughter of the informant was with co-accused Arnav at about 12:30 PM on a single motorcycle, as it appears from the CCTV footage of the locality. In this context it is further submitted that in para no. 84 of the case diary it appears that it was the co-accused Arnav only who called repeatedly about the time of occurrence to daughter of the informant, whereas no such call appears



to be made by this petitioner with available mobile no. as per CDR. In such backgrounds, it is precisely submitted that save and except confessional statement of co-accused Arnav, nothing incriminating appears against this petitioner except suspicions and his criminal antecedents.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid fact and circumstances as save and except suspicion arising out confessional statement of co-accused Arnav and also by taking note of scientific investigation as referred above, *prima-facie* negating the involvement of the petitioner, accordingly, petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-X-cum ACJM-X, Patna/concerned Court, where the case is pending in connection with



.Patliputra P.S. Case No. 163 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to following conditions:-

- “(i) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.
- (ii)The petitioner shall not influence any witness or make any attempt to tamper evidence, failing which the State shall be at liberty to press before the Id. trial court itself for the cancellation of the bail bond of the petitioner.”

(Chandra Shekhar Jha, J)

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