

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34332 of 2024

Arising Out of PS. Case No.-101 Year-2023 Thana- BARBIGHA District- Sheikhpura

Himkar Kumar @ Himkar Sharma Son of Devniti Sharma Resident of Village
- Badarathi, Police Station - Barbigha, District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Sharma, Sr. Advocate
For the Opposite Party/s	:	Mrs.Anita Kumari, APP
For the informant	:	Mr. Neeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2024 Heard Mr. Rama Kant Sharma, learned Senior
Counsel for the petitioner and Mr. Neeraj Kumar,
representing the informant as also the learned APP.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 88 of 2023 arising out Barbigha P.S. Case No. 101 of 2023 for the offence punishable under Sections 147, 148, 149, 341, 323, 364, 307, 379, 504, 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 25.2.2023 by the informant, Nishikant Kumar.

3. The prosecution story, in brief, is that one Nishikant Kumar, gave a written report before the officer in-



charge of Barbigha Police Station alleging inter alia that he runs a News Portal in the name of Maghi News. It has been alleged that on 25th of February, 2023 at about 5:00 P.M., he had gone to the office of Barbigha Nagar Parishad and while he was coming out, at the instance of Umesh Kumar, several persons reached there and began to assault him. The further allegation is that Santosh Kumar @ Shanku with intention to kill brought he informant to a four wheeler vehicle and in the said vehicle, Nirbhay Kumar was sitting with a rifle in his hand and he snatched the locket from his neck as well as also snatched Rs. 2,000/- from his pocket.

4. It has been then alleged that in the said vehicle, Kunal Kishore and Rohit Kumar were also there who brought him to Bhavani Brick Industry. The allegation is that the accused persons were also having pistol. Thereafter Gopal Singh, Mukesh Kumar @ Chunnu and other persons and some unknown assembled there and began to assault.

5. Gopal Singh and Nirbhay Kumar was taking him to put him in the chimney Kiln. However, by seeing the activeness of the police officials, they fled away. It has further been alleged that on 16th of January 2023 also at about 8:00 p.m. all the persons had came and threatened him



for which written information with regard to the said incident was given to the Officer in-charge of Barbigha police Station. It has lastly been alleged that subsequently the Police had brought him to the police station by the Police vehicle from Gangti More. In the aforesaid background, a request has been made to provide security to him. Accordingly, the F.I.R.

6. Learned Senior Counsel submits that the allegation is/are against all the accused persons and though some of the accuseds including Nirbhay Kumar have been extended the privilege of bail, the petitioner has already remained in custody since 26.2.2023 (para-12 of the petition). Though, he concedes that the petitioner has criminal antecedent, if granted bail, he will be diligently appearing in trial.

7. Learned counsel appearing on behalf of the informant submits that a perusal of the FIR would show that but for timely intervention of the police, they ultimately would have killed the victim.

8. Though, there are allegations, the bail application of some of the accused persons already stand allowed, the petitioner is in custody since 26.2.2023 and as



per the undertaking of the learned counsel for the petitioner that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Sheikhpura, in connection with Sessions Trial No. 88 of 2023 arising out Barbiga P.S. Case No. 101 of 2023 subject to the 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the



evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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