

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43016 of 2024

Arising Out of PS. Case No.-3 Year-2022 Thana- SHAMBHUGANJ District- Banka

Himalay Kumar @ Himalay Sagar S/o Nandu @ Nandlal Mandal R/o vill -
Kathara, P.S. - Sultanganj, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kr. Pandey, Advocate
For the State	:	Mrs. Asha Kumari, APP
For the Informant/s	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 06-12-2024 Heard Mr. Dhananjay Kumar Pandey, learned
counsel for the petitioner, Mr. Rajesh Kumar, learned counsel
for the informant and Mrs. Asha Kumari, learned APP for the
State.

2. Petitioner seeks regular bail in connection with
Shambhuganj P.S. Case No. 03 of 2022, dated 08.01.2022
registered for the offences punishable under Sections 302,
120(B)/34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. As per prosecution story, the informant's mother
was an A.N.M. in hospital and she went to hospital on
08.01.2022 for duty but the informant got the information that
her mother was shot dead under Kalima Pool near English



More. The informant raised suspicion upon the petitioner that he committed murder of her mother by hatching conspiracy in connivance with others.

4. The main submissions advanced by learned counsel for the petitioner are that there is no direct evidence against this petitioner, the informant simply raised suspicion against him, there is a land dispute between both the parties due to this reason, petitioner has been falsely roped in this case and he has been languishing in jail since 12.02.2024.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioner and submit that the bail prayer of co-accused Pawan Kumar carrying the similar nature of allegation, has already been rejected by this Court.

6. Heard both the sides and perused the order impugned, F.I.R. and case diary. The petitioner is named in the F.I.R. though the informant is not said to be an eye witness of the alleged occurrence but the murder of the informant's mother is alleged to have been committed in furtherance of a conspiracy hatched by this petitioner and the co-accused persons and according to the informant, this petitioner and co-accused Pawan Kumar earlier attempted to kill the same victim in the



year 2021 regarding which an F.I.R. was registered at Bath police station. As per the inquest report, the victim sustained gun shot injury which was opined to be the main cause of her death and further as per the informant’s counsel, the trial of the petitioner has started and out of six chargesheet witnesses, three witnesses have been examined till date. Considering all these facts as well as seriousness of the occurrence, this Court is not inclined to release the petitioner on bail at this stage.

7. Accordingly, the petition stands rejected.

(Shailendra Singh, J)

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