

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77652 of 2023

Arising Out of PS. Case No.-440 Year-2022 Thana- BUXAR District- Buxar

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HAPPY KUMAR @ HIMANSHU VERMA @ HIMANSHU Son of Krishna
Verma R/o vill - Bikramganj, P.S. - Bikramganj, Distt. - Rohtas, At Present
R/o mohalla - Syndicate, Budhanpura, P.S. - Buxar (T), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey
For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 13-03-2024 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 302,
34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier, application for regular bail of the
petitioner was rejected vide order dated 28.03.2023 passed in
Cr. Misc. No. 59989 of 2022.

4. As per FIR, it is alleged by the informant that her
husband was shot dead by three unknown miscreants near her
house while he was coming from his shop.



5. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The informant is not an eye witness of the alleged occurrence rather merely on the basis of suspicion the petitioner has falsely been implicated in this present case. As per Paras 3 and 4 of the Supplementary Affidavit, it appears that during investigation, independent witnesses, namely, Manish Kumar, Satya Prakash Singh, Gaya Prasad Choubey and Manoj Yadav, supported the prosecution case in their depositions but during trial, they were turned hostile. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.08.2022.

6. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Buxar Town P.S. Case No. 440 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge-III, Buxar.

(Sunil Kumar Panwar, J)

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