

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10713 of 2025

Arising Out of PS. Case No.-947 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Himanshu Kumar @ Lalu yadav, S/o- Mungalal Yadav, resident of Village-
Sahpur Ps- Saharsa Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sadar
P.S. Case No. 947 of 2024 dated 09.09.2024, instituted for the
offence punishable under Sections 310(4), 310(5) of Bhartiya
Nyaya Sanhita, 2023 and Section 25(1-B)(a), 26, 35 of the Arms
Act.

3. The prosecution case, in short, is that on the alleged
date of occurrence after getting secret information, the informant
along with police personnel reached the place of occurrence. On
seeing the police party, seven accused persons started fleeing
away, but six accused persons including the petitioner were
apprehended and one accused person, namely, Golu Kumar
managed to escape away. It is alleged that in order to escape, co-



accused Vivek Yaduvanshi threw a pistol loaded with four live cartridges, which was recovered by the police team. It is also alleged that three motorcycles were also recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that six persons including the petitioner were arrested at the spot. During search, nothing has been recovered by the police party from the conscious possession of the petitioner. It is further submitted that one pistol with four live cartridges was recovered from the road side. Three motorcycles were also recovered from the spot which do not belong to the petitioner. Learned counsel for the petitioner submits that said pistol was thrown by co-accused Vivek Yaduvanshi @ Vivek Kumar. Lastly, it has been submitted that the petitioner are in custody since 10.09.2024 having five criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each



to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 947 of 2024, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

V. The petitioner shall appear before the Police Station of his local area in the first week of each



month till the disposal of the present case.

(Khatim Reza, J)

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