

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.816 of 2016

Arising Out of PS.Case No. -85 Year- 2014 Thana -SAHAR District- BHOJPUR

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1. Avinash Rai @ Avinash Kumar Singh @ Avinash Kumar Rai @ Avinath Kumar @ Avinash Singh S/o Shambhu Rai @ Shambhunath Rai, resident of Village- Perhap, P.S. Sahar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-03-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 302, 323, 341, 120 (B), 147, 148 and 149 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner along with other accused persons made indiscriminate firing causing the death of brother of the informant and also of Ravindra Singh.

Submission is of false implication and that the informant is not an eye witness of the occurrence, on account of litigation the petitioner and other persons have falsely been implicated in this case and other similarly situated co-accused Prashun Kumar @ Prasun Kumar @ Golu Singh @ Golu @ Golu Kumar has been allowed bail vide Cr. Misc. No. 42071 of 2015

and further other co-accused, namely, Munna Singh, Sonu Kumar @ Sonu Singh, Kariman Singh and Prabhat Kumar have already been allowed bail by different Benches of this Court and the petitioner is suffering in custody since 05.10.2015.

The learned A.P.P. submits that the petitioner has got criminal antecedent.

In the facts and circumstances as stated above, considering that similarly situated co-accused Prashun Kumar @ Prasun Kumar @ Golu Singh @ Golu @ Golu Kumar has been allowed bail and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Bhojpur at Ara in Sahar P.S. Case No. 85 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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