

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20610 of 2018

Arising Out of PS.Case No. -14 Year- 2017 Thana -PAROO District- MUZAFFARPUR

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Avinash Rai @ Raja Babu @ Arvind Kumar, S/o-Mathura Prasad Yadav,
Resident of Village-Thengpur, P.S. Paroo, District-Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 10.07.2017 passed in Cr. Misc. No.
23378 of 2017.

Petitioner is languishing in judicial custody since
01.03.2017 in connection with Paroo P.S. Case No. 14 of 2017,
G.R. No. 134 of 2017 for offences punishable under Sections 302,
120(B), 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that while his brother Amrendra Kumar @ Amar Bhagat had gone
to the Block Office for attending inaugural ceremony, his brother



was called on telephone and thereafter firing took place and his brother was killed by firearms. While the said Amrendra Kumar was being taken to the hospital he named one Raju Singh and his accomplice Chote Mukhiya to have killed him.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he is not named in the F.I.R. and it is only on the basis of confessional statement of one co-accused Binod Kumar that he has been made accused. He submits that co-accused Binod Kumar has since been granted the privilege of bail by this Court in Cr. Misc. No. 42241 of 2017 on 07.11.2017. He submits that there is no eye witness to the alleged occurrence and confessional statement before the police has no evidentiary value in the eye of law.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one case is pending against him.

Considering the facts and circumstances and the materials on record and that the petitioner undertakes to cooperate in the trial, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate-3rd (west) Muzaffarpur in connection with Paroo P.S. Case No. 14 of 2017, G.R. No. 134 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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