

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9186 of 2019

Arising Out of PS. Case No.-374 Year-2017 Thana- BIDUPUR District- Vaishali

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AVINASH SRIVASTAVA @ AMIT, aged about 28 years, (M) Son of- Late
Lalan Srivastava @ Lala Sinha Resident Mohalla-Chandmari Road No.-1,
P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-03-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for
the offences punishable under Sections 302 and 34 of the Indian
Penal Code and under Section 27 of Arms Act.

Allegation against petitioner is that petitioner along
with other co-accused persons entered into the house of the
informant and fired upon the brother of the informant as a result
of which he died and thereafter, they fled away.

It has been submitted on behalf of the petitioner
that he is innocent and has been falsely implicated in this case.
He is not named in FIR. Name of the petitioner has surfaced in
this case on the basis of confessional statement of co-accused



Satish Paswan, who has already been granted bail by co-ordinate Bench of this Court as contained in Annexure-2 of the petition. Nothing has been recovered from his possession. Petitioner has not been put on Test Identification Parade. He is in custody since 09.04.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **S. Tr. No. 138 of 2018 arising out of Bidupur P.S. Case No. 374 of 2017**, with following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



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

(S. Kumar, J)

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