

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.177 of 2019

Arising Out of PS. Case No.-224 Year-2018 Thana- MASAUDHI District- Patna

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Avinash Kumar, son of Sri Shiv Prasad @ Shiv Prasad Singh, r/o Vill-
Mahadeopur, PO and P.S-Masaurhi, Distt.-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-02-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Masaurhi P.S. Case No. 224 of 2018 (Sessions Trial No. 575 of 2018)**, instituted for the offence under Section(s)302, 201, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner submits that co-accused Pawan Ravidas @ Pawan Kumar has already been granted bail by this Court vide order dated 15.01.2019 passed in Cr. Misc. 77517 of 2018.

It is alleged in the written report that brother of informant Mintu Kumar Singh went to under constructed house of Avinash Kumar on his call, where this petitioner and Divesh Kumar were present. In the next morning, when the informant



did not find his brother, he made search and learnt from villagers that there was sound of firing from the house of this petitioner. Informant along with others went there and found blood stain and slippers of his brother. The informant raised suspicion against this petitioner and other accused persons.

Learned A.P.P. has submitted that Police has stated in paragraph-18 and 35 of the case diary that other three accused persons who were said to be sitting along with petitioner in the house, has levelled specific overt act against petitioner of causing firearm injury to brother of the informant.

Counsel for the petitioner submits that besides the statement given by those three accused persons, there is no eye witness and independent witness of the occurrence. He further submits that Police has not recorded confessional statement of petitioner. The three accused persons have given statement levelling allegation against the petitioner before the police only to save themselves from the offence.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, 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 learned **A.D.J. VI, Patna**, in



connection with **Masaurhi P.S. Case No. 224 of 2018 (Sessions Trial No. 575 of 2018)**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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