

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21720 of 2019**

Arising Out of PS. Case No.-646 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

ABHINAV KUMAR @ MONI KUMAR, aged about 26 years, son of Vijay  
Kumar Singh, resident of Mohalla Pokharia, Ward No. 39, P.S. Begusarai  
Nagar, District Begusarai ... Petitioner

Versus

The State of Bihar ... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Anant Kumar 1, Advocate

For the Opposite Party : Mr. Arun Kumar Pandey,, Addl Public Prosecutor

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      09-04-2019                      Heard the learned counsel for the petitioner and  
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since  
30.10.2018 in connection with Town P.S. Case No. 646 of 2018  
for the offence alleged under Sections 341, 342, 323, 324, 504,  
384/34, 363, 326, 307, 292, 293, 294, 506, 509, 120(B), 377/109  
of the Indian Penal Code, Section 27 of the Arms Act as well as  
Sections 66(E) and 77(B) of the I.T. Act.

The prosecution case as lodged by the informant  
is that co-accused Golu Kumar and two unknown persons along  
with 10 to 12 unknown persons assaulted him and on the point  
of pistol kidnapped the informant by making him seated on a  
motorcycle, brought him in a room near the clinic of Dr. Savan  
Kumar, thereafter took him behind the Jail along with two other  
co-accused persons where he was again assaulted and they also  
committed unnatural offence on the point of pistol with the



informant and prepared video through a mobile.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and the petitioner cannot be attributed to the offence so committed. He further submits that on similar allegations some of the co-accused have been granted privilege of bail by coordinate Benches of this Court in Cr.Misc.No.10741 of 2019 dated 22.02.2019 and Cr.Misc.No.12194 of 2019 dated 01.03.2019 and also by this Court in Cr.Misc.No. 16425 of 2019 dated 28.03.2019. He submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Town P.S.Case No.646 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to the condition that 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.

**(Nilu Agrawal, J)**

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