

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55584 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- PHENHARA District- East Champaran

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AVINASH KUMAR @ SONU SINGH @ SONU Son of Vinod Singh
Resident of Village-Ruphari, P.S.-Shikarganj, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is in custody since 18.04.2019 in connection with Fenhara P.S. Case No. 6/2019 for the alleged offences under Sections 394, 302,120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged killing of the informant's uncle. It is submitted that the petitioner is not named in the FIR and his name has surfaced on the confessional statement of co-accused Ashutosh Kumar, except which there is no objective material to connect the petitioner with the alleged occurrence. No recovery of any incriminating articles has been made from the conscious possession of the petitioner. The informant is not an eye-witness to the occurrence. Similarly situated co-accused Rajiv Kumar has been granted bail by this Court in Cr. Misc. No. 24903 of 2019. The petitioner is accused in two prior cases in which he is on bail.

4. Learned APP refers to para 54 of the case diary in which



it is recorded on the basis of statement of some of the local persons that co-accused Raj Tilak and Prabhat Kumar had fired upon the deceased.

5. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 12th ACJM, Motihari, East Champaran in connection with Fenhara P.S. Case No. 6/2019 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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