

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16048 of 2020

Arising Out of PS. Case No.-514 Year-2019 Thana- RUPASPUR District- Patna

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AVINESH SINGH @ ABHINESH KUMAR, aged about 22 years, Male, Son
of Tuntun Kumar @ Tuntun Singh, Resident of Village - Janpara, P.S.- Rani
Talav, Dist.- Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : M/s Vikramdeo Singh & Sudish Kumar, Advs.
For the Opposite Party : Mr. Syed Mojibur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-06-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the state through video

conferencing.

The petitioner seeks bail in connection with Rupaspur
P.S. Case No. 514 of 2019, registered under Sections 147, 148,
149, 341, 323, 504, 506 and 307 of the Indian Penal Code and
27 of the Arms Act.

The accusation is that on 05.12.2019 in the evening,
the informant, Brajesh Kumar, and his partner Abhay Rau were
present at his family restaurant situated at the Ram Jaipal
Turning, at that time, while the informant was at cash counter,
one boy and one girl came near the restaurant and started to
abuse to waiter Rahman, informant tried to pacify the matter,
but, they were adamant to create nuisance. In the meantime,
two persons started to talk outside the restaurant. After 10 to 15



minutes the aforesaid customers along with four friends came at cash counter and started to scuffle with his partner Abhay Raj. At that time, one person took out the pistol from waist and opened fire, due to that reason terror created in the restaurant. One person made fire which passes touching his thigh and another fire caused injury at the chest of Abhay Raj, thereafter, all moved from there making firing. The cause of occurrence is that boy and girl, who had come at the restaurant misbehaved with the waiter due to that reason informant decided supply the packet of breakfast due to that reason occurrence has taken place.

Submission is that the petitioner has no criminal antecedent. It is said that in course of investigation on the basis of footage of close circuit television camera some persons, including the petitioner, were also identified. Further, submission is that the petitioner is in custody since 08.12.2019, while the informant has detailed the age of culprits in between 18 to 25 years, but, the petitioner has not been put on test identification parade.

Having regard to the facts and circumstances of the case, 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
Rupaspur P.S. Case No. 514 of 2019 to the satisfaction of the
Additional Chief Judicial Magistrate, Danapur, Patna.

(Rajendra Kumar Mishra, J)

Shamshad/-

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