

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18648 of 2020**

Arising Out of PS. Case No.-293 Year-2019 Thana- GORAUL District- Vaishali

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AVINASH KUMAR @ ABHINASH KUMAR S/o Sri Binod Ram @ Vinod
Kumar Ram Resident of Village- Goraul, P.S.- Goraul, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 18-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Parmeshwar Mehta, the learned APP for the State.

The petitioner seeks regular bail in connection with Goraul PS case no. 293 of 2019 instituted for the offences punishable under Sections 302/34 of Indian Penal Code and 27 of Arms Act.

The case of the prosecution is that the informant in his written complaint has alleged that on 20.08.2019 at about 9:00 pm when he was at his home, a child came there and informed him that someone has shot his father near Railway Gumti. After getting information, the informant along with his cousin namely



Md. Aabid rushed there on his motorcycle and saw a Wagon-R vehicle at some distance from the Railway Gumti and when he reached near the vehicle, he found his father lying seriously injured inside the vehicle and blood was oozing out from his mouth, neck, whereafter, the informant took his father to PHC Goraul, where no doctor was present at that time. Later on, the informant took his father to Prashant Hospital, Jurawanpur where doctor declared him brought dead.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and though, the petitioner is an accused in two other cases but he is on bail in the said two cases. It is further submitted that the name of the petitioner has transpired on the basis of the confessional statement made by the co-accused person namely Nishu Kumar. Thus, it is submitted that the petitioner has been implicated in the present case merely on suspicion and neither the petitioner is named in the FIR nor there is any eye-witness to the alleged occurrence. Lastly, it is submitted that the co-accused person namely Nishu Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.09.2020, passed in Cr. Misc. no. 18061 of 2020. The petitioner is said to be languishing in custody since



10.01.2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the materials available in the case diary, this Court finds that the minuscule evidence is available so as to connect the petitioner with the alleged crime and moreover, the co-accused who has named the petitioner, has already been granted bail by a co-ordinate Bench of this Court. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul PS case no. 293 of 2019.

(Mohit Kumar Shah, J)

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