

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30083 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Avinash Kumar Son Of Suresh Rajak Resident Of Village - Panapur Langa,
P.S.- Hajipur Sadar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey
For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Hajipur Sadar P.S.
Case No. 166 of 2021 registered for the offence punishable under
Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a,
26, 35 of the Arms Act as well as 30 (a) of the Bihar Prohibition and
Excise Act.

On secret informant that some eight to nine armed miscreants
are assembled to commit offence, informant raided the place of
occurrence and found one country made pistol tugged in wrist of
petitioner *Avinash Kumar* and magazine of the pistol so recovered was



found bearing two live cartridges as well as different arms and ammunitions were recovered from other co-accused persons whereas 1.125 liters of illegal foreign liquor was also recovered from the said place of occurrence.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case by police and his enemies due to suspicion. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail petition and he is languishing in custody since 02.02.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Hajipur Sadar



P.S. Case No. 166 of 2021 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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