

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.37721 of 2021**

Arising Out of PS. Case No.-309 Year-2019 Thana- VAISHALI District- Vaishali

ABHINASH KUMAR @ AVINASH KUMAR @ AVINASH KUMAR  
SINGH S/O ASHOK KUMAR SINGH @ ASHOK SINGH R/o village-  
Haharo, P.S.- Vaishali (Belsar/Belshar O.P.), District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

2      09-12-2021                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner seeks bail in connection Vaishali (Belsar  
O.P) P.S. Case no. 309 of 2019 registered for the offence  
punishable under sections 447, 341, 323, 307 and 379/34 of the  
Indian Penal Code read with section 27 of the Arms Act.

Learned counsel for the petitioner submits that  
petitioner is in custody since 10.01.2021 and is person with  
clean antecedent and charge sheet has been submitted. Learned  
counsel for the petitioner further submits that from perusal of  
the allegation as alleged in the FIR, it would manifest that the  
informant (Ravindra Kumar) alleges that this petitioner on  
14.8.2019 came at the flour mill of the informant along with 4/5



unknown miscreants with an intention to commit loot the amount of CSP which the informant runs in the name of his wife. It is further alleged that this petitioner asked the informant to hand over all cash related to said CSP and when the informant refused, it is alleged that the petitioner fired at him causing injury in his thigh. Learned counsel submits that petitioner is innocent and has committed no offence. Case diary was submitted without injury report as such it appears that there was no injury on the informant as is being alleged in the FIR, learned counsel further submits that this petitioner was always objecting the illegal activity of the informant relating to liquor trade for which Vaishali (Belsar O.P) P.S. Case no. 299 of 2016 was instituted as a result of which informant was grudge and the petitioner came to be implicated in the present false case. Learned counsel submits that even initial treatment was not done in a government hospital rather in case diary report of the private hospital namely, Sri Emergency hospital is recorded and the case diary also records at para 128 that said hospital has now been closed as such injury report could not be obtained. Learned counsel submits that the informant was treated in a hospital which now stands closed in itself demonstrates falsity of the allegation.



Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody and is person with clean antecedent and charge sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in Vaishali (Belsar O.P) P.S. Case no. 309 of 2019.

**(Satyavrat Verma, J)**

s.hassan/-

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