

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7882 of 2021

Arising Out of PS. Case No.-157 Year-2017 Thana- KALYANPUR District- East Champaran

AWANISH KUMAR @ AWANISH RAJ @ CIGARETTE SINGH @
CIGARETTE @ AWANISH KUMAR SINGH Son of Kunj Bihari Thakur
Resident of Village - Areraj Khajuriya, P.S.- Govindganj, Distt.- East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Manindra Kishore Singh, Mithilesh Kr Singh,
Saket Kr Singh, Advocates
For the Opposite Party/s : Ms Pushpa Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 05-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Kalyanpur PS Case No
157 of 2017 instituted for the offence punishable under Sections
353, 307, 429, 414, 216 of Indian Penal Code and Sections 25
(1-b) a, 26, 27, 35 of Arms Act.

Gang members of one Babloo Dubey were going to
attack one Kunal Singh and his henchmen. On such intimation,
police has arrived at the place where cross firing has taken



place. There is alleged firing on the police party. Co-accused Himanshu Kumar Singh was apprehended and other five persons were named accused. In the course of investigation, the petitioner has been implicated based on statement of co-accused Upendra Singh. It is submitted that the said Upendra Singh has been allowed bail by this Court in Cr Misc No 4298 of 2018. Several other co-accused, including co-accused Dharmendra Singh, in whose house Kunal Singh was present at the time of occurrence, have been allowed bail by this Court, details of which have been mentioned in the order dated 09.03.2018 passed in Cr Misc No 4298 of 2018. Petitioner is stated to be in custody since 26.03.2020 and it is submitted that he has been implicated in various cases, based on confessional statement of co-accused, as per details contained in paragraph 3 of the bail application.

Learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IX, East Champaran, Motihari in connection with Kalyanpur PS Case No 157 of 2017 subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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