

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42984 of 2021

Arising Out of PS. Case No.-501 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

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Avinash Kumar Rai @ Abhinav Kumar Rai, S/o Kameshwar Prasad Naveen
@ Kameshwar Prasad Ray, R/o Village- Gauspur Ijra, P.S.- Sadar, Dist-
Vaishali. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 09-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Rajeev Ranjan, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection
with Hajipur (Sadar) P.S. Case No. 501 of 2021 for the offences
punishable under Sections 341, 323, 324, 307, 504/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on
25.05.2021 all the F.I.R. named accused persons were
consuming alcohol at Shiv temple where construction work was
going on. On being objected by the informant, all the accused
persons started abusing and thereafter it is alleged that this
petitioner fired upon him, however, he anyhow saved himself



and started fleeing, whereupon other accused persons caught him and assaulted by means of Hasua.

At the outset, learned counsel for the petitioner submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is enmity between the parties and the informant has not sustained any injury. So far as other accused persons are concerned, who allegedly assaulted the informant by means of Hasua, have already been granted anticipatory bail by the court below itself. It is further submitted that as the petitioner was one of the candidate for the post of Ward Member, his name has been implicated at the instance of other parties and moreover the petitioner has fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that there is serious allegation of firing against this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is no allegation of repeated firing with the intention to kill the informant, nor any injury has been caused to the informant or



any person. Further, the co-accused against whom allegation of assault has been made, have already been granted anticipatory bail by the court below itself and the petitioner has fair antecedent, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur (Sadar) P.S. Case No. 501 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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