

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39860 of 2022

Arising Out of PS. Case No.-661 Year-2021 Thana- KANTI District- Muzaffarpur

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Avinash Kumar @ Avinash Kumar Pandey Son of Late Pawan Kumar Pandey
Resident of village - Kishun Nagar, Ward No.- 2, P.S.- Kanti, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341, 324,
326, 307 and 120(B) of the Indian Penal Code and Section 27 of
the Arms Act.

According to the prosecution case, one Prince
Sharma was returning back to his house from his vehicle and
suddenly three unknown persons started indiscriminate firing
upon him resulting into five gun shot injuries at different places



of his body.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and his name has been transpired on the basis of the confessional statement of the co-accused, namely, Vishwajeet Kumar. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation against the petitioner.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner but fairly submits that except the confessional statement of the co-accused person, no other cogent material has come during investigation against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kanti (Panapur O.P.) P.S. Case No. 661 of 2021, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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