

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56064 of 2021

Arising Out of PS. Case No.-8 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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AVANISH SINGH @ AVANISH KUMAR SINGH Chandraket Singh
Resident of Village - Delho, P.S.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Sessions Trial No. 103 of 2020 arising out of Dumariyagaht
P.S. Case No. 08 of 2019 registered for the offence under
Sections 399, 402 and 414 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

Two looted motorcycles and one country made
pistol along with two live cartridges are said to have been
recovered from the apprehended persons.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the name of this petitioner surfaced in this case on the basis of confessional statement of the co-accused, namely, Abhishek Jha. Neither the petitioner has been arrested from the spot nor anything incriminating has been recovered from his exclusive possession. The petitioner is rotting in judicial custody since 15.10.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that altogether five cases have been registered against the petitioner other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-X, East Champaran at Motihari in connection with Sessions Trial No. 103 of 2020 arising out of Dumariyaghat P.S. Case No. 08 of 2019 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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