

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52143 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Avnish Kumar @ Avnish Kumar Singh Son of Kishori singh Resident of
Village - Khanjhapur, P.s.- Cheriya Bariarpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Cheria
Bariarpur P.S. Case No. 100 of 2022 registered for the offence
under Sections 341, 307, 323, 324, 379 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.07.2022.

The allegation against the petitioner is to open fire
upon the informant, alongwith other co-accused persons, with
the intention to cause death, due to previous enmity.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case due to local dispute and differences. It is submitted that F.I.R. of alleged occurrence dated 08.11.2021 was lodged on 03.05.2022, after six months of the occurrence without any just explanation, which is sufficient to gather that present implication is ill motivated and false. It is submitted that the face of F.I.R. is sufficient to gather false implication, as regard to allegation of firing by this petitioner, as when the alleged pistol was handed over to co-accused, namely, Sajjan Kumar, then, it appears doubtful that fire was made by this petitioner, as alleged. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as lodging of the F.I.R. with a delay of six months is appearing unexplained coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Cheria
Bariarpur P.S. Case No. 100 of 2022 on furnishing bail bond of
Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned Additional Chief
Judicial Magistrate, Manjhaul at Begusarai/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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