

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13949 of 2023

Arising Out of PS. Case No.-382 Year-2021 Thana- RAJGIR District- Nalanda

AVINASH KUMAR @ ABINASH KUMAR S/o Parshuram Singh @
Parshuram Prasad R/o Village- Jai Kishun Bigha, O.P.- Kariyanna, P.O.-
Chandiman, P.S.- Shilao, Distt- Nalanda, Bihar (803109).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shilpi Keshri,Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rajgir P.S. Case No. 382 of 2021 registered for the offences punishable under Sections 25(1-b) (a)/26 and 35 of the Indian Penal Code.

The allegation is regarding the police force having apprehended three miscreants on the alleged date and time of occurrence and on search, arms and ammunition were recovered, whereafter they were interrogated and then they had disclosed the name of their accomplices including that of the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor any arms/ammunition have been recovered from his possession and, moreover similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 19.07.2022 and 26.08.2022, passed in Criminal Miscellaneous No. 16554 of 2022 and Criminal Miscellaneous No. 22482 of 2022 respectively.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact



that no illicit arm/ammunition has been recovered from the petitioner, apart from the fact that similarly situated co-accused persons have already been granted the privilege of bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Rajgir P.S. Case No. 382 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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