

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11782 of 2023**

Arising Out of PS. Case No.-10 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Avinash Kumar Son Of Ram Babu Singh R/O Village- Rajaura Pachhiyari
Tola, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 11-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 392, 397 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, the allegation is that when the informant was coming with his father after appearing in the examination, three unknown miscreants surrounded them and snatched Rs. 800/- from the pocket of the informant. The accused persons thereafter shot fire at informant which did not hit him. Thereafter, the accused persons fired at the father of the informant which hit on his left thigh and he fell down. He was taken to the hospital for treatment but the doctor declared him dead.

It is submitted by learned counsel for the petitioner that



the petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has been transpired in this case on the basis of confessional statement of co-accused Nitish Kumar before the police which has no evidentiary value in the eye of law. There is no eye witness of the alleged occurrence. The petitioner has not been put on T.I.P. till date. Similarly situated other co-accused has already been granted bail by this Bench vide order dated 13.02.2023 passed in Cr. Misc. No. 41682 of 2022. It is also submitted that petitioner is languishing in judicial custody since 17.02.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 10 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 the learned Additional Sessions Judge-V, Begusarai.

(Sunil Kumar Panwar, J)

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