

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18497 of 2023

Arising Out of PS. Case No.-558 Year-2022 Thana- RAHUI District- Nalanda

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AVINASH KUMAR DAS @ AVINASH DAS S/o Late Yugal Das R/o
Mohalla- Baburbanna, P.S.- Bhaganbihga, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. N. A. Shamsi, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Ram Swarup Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307, 379 and 504/34 of the Indian Penal Code.

The allegation against the petitioner is that he badly
assaulted the husband and son of the informant by means of
lathi and danda.

It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He has been falsely implicated in this case due to previous
enmity. The allegation levelled against the petitioner is not
specific rather general and omnibus in nature. Both sides have



filed cases against each other. The injury sustained by the victim is simple in nature. Similarly situated co-accused, namely, Awadhesh Kumar Ravidas @ Awadhesh Ravidas and another have already been released on bail by a co-ordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No.20262 of 2023. Petitioner is an old man and has no criminal antecedent as mentioned in para-3 of this application.

Learned APP assisted by learned counsel for the informant vehemently opposing the bail application submitted that the injury sustained by the victim is grievous in nature. Learned counsel for the informant further submitted that the petitioner has one criminal antecedent and this fact has been suppressed by him. Hence, the petitioner does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhaganbigha P.S. Case No. 558 of 2022, subject to the condition as laid down under Section 438 (2) of



the Cr.P.C.

Learned Court below is directed to accept the bail bond of the petitioner after verifying the fact that petitioner has no criminal antecedent and if criminal antecedent is found, then in that eventuality the bail bond of the petitioner shall not be accepted.

(Anjani Kumar Sharan, J)

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