

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15482 of 2023

Arising Out of PS. Case No.-314 Year-2021 Thana- SARAI District- Vaishali

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Avinash Kumar Son Of Binod Ram R/V- Goraul, P.S.- Goraul, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 341,
307, 302/34 of the Indian Penal Code.

The allegation against the petitioner along with
co-accused persons is that they assaulted and opened fired
upon the son, namely, Banti Kumar and nephew, namely,
Vicky Kumar of the informant, due to which son of the
informant sustained injury and his nephew died during
treatment due to gun shot injury.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Neither petitioner is named in the FIR nor specific allegation of firing has been leveled against the petitioner. It is further submitted that specific allegation of opening fire, due to which nephew of the informant died during treatment, is against co-accused Karu Jha, not against the petitioner. Similarly situated co-accused has already been granted bail by this Court vide order dated 20.02.2023 passed in Cr. Misc. No. 60040 of 2022. The petitioner is languishing in judicial custody since 07.03.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarai P.S. Case No. 314 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions
Judge-Vth, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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