

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21095 of 2023**

Arising Out of PS. Case No.-94 Year-2022 Thana- KHAJEKALA District- Patna

Avinash Kumar @ Kallu Kumar @ Kallu, Son of Late Sunil Kumar Sharma  
Resident Of Village- Mirchai Gali Ghat, Ps- Chowk, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      18-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with S. Tr.  
No. 1080 of 2022 arising out of Khajekala P.S. Case No. 94 of  
2022 dated 31.03.2022, instituted for the offence punishable  
under Sections 302, 120(B)/34 of the Indian Penal Code and  
Section 27 Arms Act.

3. The allegation against the petitioner along with  
other co-accused person is to commit murder of the son of the  
informant by causing firearm injuries due to long standing  
previous enmities.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in this  
case due to local party politics. Learned counsel for the  
petitioner submits that nothing incriminating articles has been



recovered from the possession of the petitioner. Learned counsel for the petitioner submits that informant is not eye witness and merely on suspicion, implicated the petitioner in this case. It is further submitted that there is no specific allegation against the petitioner. The allegation against the petitioner is general and omnibus. Similarly situated other co-accused Deepak Kumar, Piyush Sharma and Sonu Kumar @ Mini Bulet have already been granted bail by different Co-ordinate Benches of this Court vide order dated 03.04.2023 in Criminal Miscellaneous No. 2264 of 2023, vide order dated 20.02.2023 in Criminal Miscellaneous No. 65899 of 2022, vide order dated 21.02.2023 in Criminal Miscellaneous No.64119 of 2022 respectively. Lastly, it has been submitted that the petitioner is in custody since 03.04.2022 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions



Judge- IV, Patna City, in S.Tr. No. 1080 of 2022 arising out of  
Khajekala P.S. Case No. 94 of 2022.

**(Khatim Reza, J)**

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