

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37239 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- MEHANDIA District- Jehanabad

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AVINASH KUMAR S/O JAGTANAND SHARMA Resident of Village-
Rajkharsa, P.S.- Mehndiya, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Mehandiya P.S. Case No. 120 of 2021, registered for the

offences punishable under Sections 302, 34 and 201 of the

Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is

that on 08.09.2021 at about 07:30 pm, the petitioner along

with one Avinash came to his house on a vehicle and the son

of the informant accompanied them to Mehendiya market and

when he did not return till 10:30 pm, a search was made and

the petitioner and Avinash were found sitting in a vehicle near



Sarwarpur village. Further, the very next day, dead body of his son was found near Belsar Temple .

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that other co-accused person has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 40234 of 2022. He also submits that investigation in this case is complete and charge-sheet has already been submitted and charge has also been framed.

He further submits that the petitioner has been languishing in jail since 13.09.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



particularly the fact that other co-accused person has already been enlarged on bail, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Arwal in connection with Mehendiya P.S. Case No. 120 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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