

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49611 of 2023

Arising Out of PS. Case No.-400 Year-2021 Thana- PATNA CITY CHOWK District- Patna

AVINASH YADAV @ AVINASH KUMAR Son of Krishna Yadav @
Krishana Ray Resident of Village - Sahadra, P.S. - Malsalami, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the petitioner as well as learned APP for the State.
2. The petitioner apprehends his arrest in connection with Chouk P.S. Case No. 400 of 2021, registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code and Section 27 of Arms Act.
3. As per allegation, when the immersion of idol of goddess Saraswati was going on, the informant heard the sound of fire. He saw Vicky Kumar (his brother) in injured condition who was writhing in pain. He was brought to P.M.C.H. where he was declared dead.
4. Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR, he has falsely been



implicated. He has also submitted that during the course of trial of other co-accused persons, the witnesses had turned hostile and considering this fact co-accused Ashish Kumar has been granted Anticipatory bail in Cr. Misc. No. 54860 of 2022. Another co-accused Deepak Kumar @ Deepak Thakur has been granted anticipatory bail in Cr. Misc. No. 22698 of 2022.

5. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City in connection with Chouk P.S. Case No. 400 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

6. The petitioner shall remain present on each and every date till conclusion of the trial.

(Nawneet Kumar Pandey, J)

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