

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72351 of 2022**

Arising Out of PS. Case No.-292 Year-2019 Thana- MAHARAJGANJ District- Siwan

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AVINASH KUMAR SINGH S/o Late Gautam Singh R/v- Puchhari, P.S.-
Baniyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 24-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 292 of 2019 dated 06.11.2019
registered for the offence under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

Unknown criminal are alleged to have opened fire
upon the brother of the informant due to which he sustained gun
shot injury and died during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
initially the petitioner has not been named in the F.I.R. but his
name transpired in this case during course of investigation on the



basis of restatement of the informant, who allegedly raised suspicion against the petitioner. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Sumit Singh @ Sumit Shaurav has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.05.2021 passed in Cr. Misc. No. 35402 of 2020 and the co-accused, Anu Singh @ Anubhav Pandey has also been granted bail by a co-ordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc. No. 16493 of 2021 and the case of this petitioner stands of similar footing. The petitioner is rotting in judicial custody since 08.08.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Siwan in connection with Maharajganj P.S. Case No. 292 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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