

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65091 of 2023**

Arising Out of PS. Case No.-105 Year-2023 Thana- BARGAINIA District- Sitamarhi

Avinash Kumar S/O Arvind Patel R/O Village- Ashogi, Ward No.-09, P.S-  
Bairganiya, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

2      13-10-2023      Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Bairganiya P.S. Case No. 105 of 2023 dated 27.04.2023 registered for the offences punishable u/ss 399, 402 and 414 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act.

4. As per the prosecution case, one country made loaded pistol having 315 bore live cartridge and another 315 bore live cartridge were recovered from the possession of the petitioner while he and other co-accused persons were assembled for making



preparation to commit robbery in the Bandhan Bank.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has two other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 28.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Bairganiya P.S. Case No. 105 of 2023, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

**(Chandra Prakash Singh, J)**

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