

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67192 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- CHAKIA District- East Champaran

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AVANISH SINGH @ ANISH SINGH Son of Rudal Singh Resident of village
- D.A.V. More, Motihari, P.S.- Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mrs. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 326, 307, 302, 120-B
of the Indian Penal Code and sections 27 of the Arms Act.

As per allegation in the FIR, informant's husband left
for Patna by car. After six hour, informant received an
information from her relatives that her husband and the driver
have received gun shot injured. When the informant reached the
hospital, she found her husband lying dead on the stretcher and
the driver was wounded with gun shot. Informant's husband had
disclosed the name of some of the accused persons before the
driver.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. Informant is not the eye-witness of the alleged occurrence. So called dying declaration is allegedly given before the driver. During investigation, statement of driver, namely, Radheshyam Kumar is mentioned in para 16 of the case diary, it came into light that in injured condition informant's husband (deceased) has stated to his driver that I had disclosed the petitioner about my Patna visit when he met me near Motihari DAV School. Informant's husband also suspects that at the instance of the petitioner, miscreants surrounded him and opened fire. Save and except suspicion, nothing has come against the petitioner to show his complicity in the present case. Petitioner is languishing in judicial custody since 20.5.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that allegation against the petitioner is that on being made aware of the Patna visit of the deceased, he informed co-accused persons who got him killed. Petitioner is also involved in commission of murder of informant's husband. As per post-mortem report, doctor opined cause of death due to hemorrhage shock caused by fire arm injury.

Having heard learned counsel for the parties and



considering the period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran at Motihari in connection with Chakia P.S. Case No. 197 of 2022.

(Sunil Kumar Panwar, J)

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