

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16877 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- PUSA District- Samastipur

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Awinash Kumar Jha @ Awanish Kumar S/o Dilip Kumar Jha R/o Harpur
Bhuskaul, P.S.- Pusa, Samastipur, Bihar-848101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Pusa P.S. Case No. 60 of 2023 instituted for the offences
punishable under Sections 341, 342, 323, 504, 506 and 307 of
the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR that when the informant
went to the orchard to meet co-accused Deepak Ray and get his
money back which he gave him as a loan and when the
informant demanded the loan amount, some of the accused
persons assaulted the informant by means of kick and punches
and the co-accused Abinash Jha shot fire on the informant and
he sustained injury on his left thigh.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that no specific allegation against this petitioner, petitioner is in judicial custody since 11.12.2023. He further submits that similarly situated co-accused, namely, Bittu Sahni @ Bittu Kumar has already been granted anticipatory bail by a Co-ordinate Bench of this Court of this Court passed in Cr. Misc. No. 56917 of 2023 vide order dated 30.08.2023 and also similarly situated co-accused persons have already been granted anticipatory bail as well as regular bail by a Co-ordinate Benches of this Court passed in Cr. Misc. No.44012 of 2023 and 49733 of 2023 respectively.

Learned APP for the State opposes the prayer for bail of the petitioner.

On perusal of the FIR, case diary and impugned order dated 08.01.2024, it appears that there is direct and specific allegation against the petitioner to open fire upon the informant which across inside the thigh of the informant as a result of which blood was oozing out, as such, I am not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to renew



his prayer for bail within a period of one year from the date of receipt of this order and if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail before the trial court.

(Ramesh Chand Malviya, J)

Brajesh
Kumar/Vinayak

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