

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21650 of 2024

Arising Out of PS. Case No.-395 Year-2022 Thana- SITAMARHI District- Sitamarhi

Avinash Das @ Avinask Kumar @ Avinash Kumar Son of Gagandev Das
Resident of Village- Bishanpur Kamaldah, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 03-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sitamarhi P.S. Case No.395 of 2022, lodged on 16.06.2022,
under Sections 399/402/414 of the Indian Penal Code and under
Sections 25(1-b)/A/26/35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against
six named accused persons including the present petitioner
against whom there is allegation that they were planning for
commission of the criminal act and when police reached some
persons have been arrested from whose possession arms etc.
were recovered, but petitioner had not been apprehended from
the place of occurrence.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that from the content of FIR it becomes crystal clear that the petitioner has not been apprehended from the place of occurrence nor anything has been recovered from his possession. He submits that petitioner's name has disclosed in this case by virtue of the disclosure made by the apprehended accused persons. Counsel submits that police has named the petitioner in this case due to the reason that antecedent of the petitioner is not clean. The petitioner is in custody since 04.11.2022 and is accused in three more criminal cases, in one case he is on bail and in two others he is persuading bail.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed, and on being satisfied that petitioner is not absconding in the following cases, i.e., (i) Sahiyara P.S. Case No.142 of 2022, (ii) Bela P.S. Case No.116 of 2022 and (iii) Bathnaha P.S. Case No.203 of 2021**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case
No.395 of 2022, subject to the conditions as laid down under
Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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