

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15336 of 2024**

Arising Out of PS. Case No.-66 Year-2023 Thana- GWALPARA District- Madhepura

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Avinash Kumar @ Abinash Kumar Son of Ram Pravesh Ram Resident of  
vill.-Khokhshi Ramganj, Ward No. 10, P.S.-Gwalpara, Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr. J.N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

6      05-09-2024                      Heard learned counsel for the petitioner as well as  
  
learned APP for the State.

2. In this case, the petitioner is seeking regular bail  
in connection with Gwalpara P.S. Case No. 66 of 2023,  
registered for the offences punishable under Sections 302,  
120(B), 34 of the IPC.

3. The wife of the deceased is the informant. She  
alleges in the FIR that in the morning of 14.04.2023 at 7:00 am,  
her husband went to participate in a ceremony on the occasion  
of Ambedkar Jayanti. Her husband informed her on mobile that  
co-accused Ram Pravesh Ram and her husband had some  
scuffle and Ram Pravesh had torn his shirt. Her husband asked  
her to send a shirt by his two brothers namely Rumi Kumar and



Arbind Kumar. At about 8:30 PM, the informant's *devar* came to her house running and they told the informant that co-accused Ram Pravesh Ram and his two sons Kishor Kumar and Avinash Kumar (the petitioner) had fired on the deceased. The informant went to the place of occurrence and found the dead body of the deceased. It has also been mentioned that Ram Pravesh Ram had taken money on credit from her husband and he was making evasion in payment of that money. It has also been mentioned that a number of villagers also accompanied the informant to the place of occurrence and they saw the dead body of the deceased, lying beside the road.

4. The learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence is alleged to have taken place at about 8:30 PM on 14.04.2023 and the post-mortem was conducted at 2 AM on 15.04.2023 and the FIR was lodged on 16.04.2023 at 10:30 AM which shows that after seeing the injuries on the dead body, the FIR was lodged. He has submitted further that the FIR itself shows that the case is afterthought. It has also been submitted that the main accused with whom the deceased was altercating, has been granted bail vide order dated 03.01.2024 in Cr. Misc. No. 65518 of 2023.



5. On the other hand, the learned APP for the State Sri J.N. Thakur has opposed the prayer for bail.

6. From perusal of the materials available with the record, it transpires that there is no reason for delay in lodging of the FIR and the FIR was lodged after delay of one day of the post-mortem.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Gwalpara P.S. Case No. 66 of 2023, subject to the following condition:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

**(Nawneet Kumar Pandey, J)**

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