

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14968 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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AVINASH KUMAR SON OF LATE SHYAM YADAV R/O-GAUSAGHAT,
P.S.-SADAR, DISTT.-DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 **1.** Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehending his arrest in connection with Sadar

P.S. Case No.155 of 2023 registered for the offences

punishable under Sections 341, 307, 506, 34 and 120 B

of the Indian Penal Code and Section 27 of the Arms

Act.

3. The allegation against the petitioner is to

open fire alongwith other co-accused persons upon



informant and others, where informant received bullet injurie upon his chest by firing caused by other co-accused person namely Akshay Kumar @ Aman Kumar.

4. Learned counsel appearing on behalf of the petitioner submitted that no overt act appears against this petitioner from the narration of FIR during the course of occurrence. It is submitted that specific allegation of firing is available against co-accused Akshay Kumar @ Aman Kumar and not against this petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as specific allegation of firing and causing bullet injury is available against co-accused Akshay Kumar @ Aman Kumar and not against this petitioner, accordingly the petitioner above named, in the event of his arrest or



surrender before the learned Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga/concerned Court where the case is pending in connection with Sadar P.S. Case No.155 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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