

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 39394 of 2024**

Arising Out of PS. Case No.-202 Year-2022 Thana- MAHESHKHUNT District- Khagaria

Avinash Priyadarshi @ Avinash Kumar @ Tittu @ Tutu Kumar @ Avinath  
Priyadarshi Son of Manoj Kumar @ Manoj Paswan Resident of Village-  
Bahgi, Ward No.- 11, P.S.- Begusarai Town, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      03-07-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Maheshkhunt P.S. Case No. 202 of 2022 dated 27.08.2022,  
instituted for the offence punishable under Section 392 of the  
Indian Penal Code.

3. The prosecution case, in short, is that the informant  
was going to Bhagalpur from Patna by his pickup van. He  
stopped in Mansi to take dinner and thereafter he proceeded for  
Bhagalpur at 4.00 AM in the morning. On the way, near  
Maheshkhut, it has been found by the informant that a Scorpio  
vehicle overtook his vehicle and forced to stop his vehicle. He  
was taken outside the vehicle and assaulted by means of butt of



the pistol causing head injury to the informant and the accused persons took the informant on their Scorpio and after some distance the informant has been left down from the said Scorpio. It is further alleged that his vehicle was looted away by the miscreants. The said vehicle was seized by the Lakho Police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner has not been named in the FIR. Only on the basis of confessional statement of Sampul Kumar and Amit Kumar, the petitioner has been made accused in this case. Nothing has been recovered either from the conscious possession or from the house of the petitioner. It is further submitted that no independent witness has come forward to support the prosecution case and also there is no independent witness of the seizure list, rather, the witnesses of the seizure list are official witnesses. Lastly, it has been submitted that petitioner has three criminal cases pending against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of



six week from today, in connection with Maheshkhunt P.S. Case No. 202 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Khagaria, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his/her own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

**(Khatim Reza, J)**

sudhanshu/-

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