

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62630 of 2023

Arising Out of PS. Case No.-103 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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AWNISH KUMAR @ MACHCHHAR SON OF PINKU SINGH R/O
VILLAGE- BABHANGAMA, P.S.- NAWKOTHI, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-09-2024 Heard Learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in connection with Nawkothe P.S. Case No. 103 of 2021 lodged on 23.07.2021 for offences punishable under Section 302, 120B/34 of the Indian Penal Code and ³/₄ Explosive Substance Act, 1908.

3. As per the prosecution story F.I.R. has been lodged against 10-15 unknown accused persons against whom there is an allegation that they have killed the son of the informant.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that petitioner has two antecedents in which he is persuading for bail and petitioner's name has been figured in this case during the course of investigation. Learned Counsel further submits that petitioner was identified in the C.C.T.V



footage. He further submits that regular bail of other co-accused persons have been granted bail by this Court against whom trial commenced and they were acquitted in the trial bearing Sessions Trial No. 896 of 2022 and Sessions Trial No. 970 of 2022.

5. Learned APP for the State opposes the prayer for bail and submits that in a criminal case, different Sessions Trials are going on and if appearance of one accused has not been made, automatically it means that the accused is absconding.

6. Upon hearing the parties and submissions made above, this Court is of the view that for the same case two sessions trial have been concluded. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, the bail application of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within four weeks from today and prays for regular bail, Trial Court shall consider the bail application of the petitioner on the same day on merit without being prejudiced by the present order.

(Dr. Anshuman, J)

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