

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55103 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- CHANDI District- Bhojpur

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AVINASH KR. @ AVINASH KUMAR S/O RAJESHWAR PRASAD R/O
VILLAGE- BHADWAR, P.S- CHANDI, DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Harsh Singh, Adv.
For the Opposite Party/s :	Mr.Chandra Bhushan Prasad, APP.
	Mr. Sheo Jee Mishra, Adv.
	Mr. Kamlesh Dutta Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-02-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. Allegedly, due to previous dispute, all the accused persons including the petitioner are said to have committed murder of the informant's son by opening fire upon him as a result of which he sustained fire arm injury on his neck and died.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation against co-accused



Krishna Kumar. Petitioner is not named in the FIR. His name has been transpired in the present case on the basis of the confessional statement of co-accused. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail and submits that the petitioner was actively involved in committing murder of the informant's son. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Chandi P.S. Case No. 124 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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