

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71528 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- SASARAM MUFFSIL District- Rohtas

Avinash Kumar son of Rajkumar Mahto @ Raj Kumar Singh Resident of
Village - Adampur, Ps- Sasaram (M), Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
For the Opposite Party/s	:	Mr. Rina Sinha, APP
For the Informant	:	Mr. Surendra Kumar Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-11-2024 Heard learned counsel for the petitioner, learned APP
for the State, learned counsel for the informant and perused the
case diary.

2. The petitioner seeks bail in connection with
Sasaram (Mu) P.S. Case No. 223 of 2024 instituted for the
offences under Sections 147, 148, 149, 341, 323, 307, 427, 504,
506 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that, when the
informant was going to Sasaram along with one Alok Kumar
Singh with Bolero vehicle, the accused persons including the
petitioner started firing upon them. It is further alleged that the
bullets hit the vehicle at many places and also on his leg and he
got injured.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that injury is found to be simple in nature on the non-vital part of the body. Learned counsel further submitted that neither the car which had been hit with several bullets nor any arms or empty cartridge has been recovered from the place of occurrence. Learned counsel further submitted that there is land dispute between the parties. Learned counsel further submitted that there is case and counter-case between the parties. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.08.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature of injury sustained by the informant as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sasaram (Mu) P.S. Case No. 223 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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