

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74876 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

AVINASH KUMAR @ PANKAJ KUMAR Son of Nand Kishore Paswan @
Nand Kishore Ram Resident of Village-Ganghar, P.S.-Magadh University,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-01-2024 Heard Mr. Aryan Singh, learned counsel for the
petitioner and Dr. Indihar Kumari, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Magadh University P.S. Case No.118 of 2022, FIR dated
19.05.2022 for the offences punishable under Sections 376, 493,
354(D), 504, 506 and 34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 24.03.2023 passed in Cr. Misc. No.
63245 of 2022.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that after
investigation the police submitted the charge-sheet against the
petitioner and charge has also been framed against the petitioner



on 02.05.2023. He submits that from bare perusal of the deposition of the witnesses, all the witnesses have become hostile and the witnesses did not support the prosecution case.

5. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Gaya in connection with Magadh University P.S. Case No.118 of 2022, subject 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 shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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