

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23464 of 2025

Arising Out of PS. Case No.-381 Year-2024 Thana- TEGHRHA District- Begusarai

Avinash Kumar S/o Ganesh Mahto R/o vill - Gaura 01, Banshi Nagar Tola,
P.s.- Teghra, 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. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Teghra P.S. Case No. 381 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 109, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons surrounded the cousin of the informant and when the informant received information, he reached at the spot along with his uncle. The co-accused Saurav Kumar shot at the informant and the shot hit in the upper part of the head of the informant. The petitioner and co-accused Abhishek Kumar fired upon the uncle of the informant but he fell down and did not receive any gun shot injury. Thereafter, the petitioner and two other co-accused persons started assaulting the informant with



slaps, fists and *danda*.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to old enmity. This fact is apparent from the FIR that brother of the informant took away a minor girl and solemnized marriage with her and some scuffle took place between the parties in this background. There is no allegation against the petitioner for opening fire on informant and the petitioner and co-accused are stated to have fired upon the uncle of the informant, but he did not receive any injury. But, this allegation of opening fire is false as there has been no attempt on the life of any person, otherwise there was no occasion for hitting the informant and others with slaps, fists and *danda*, if the intention was to cause death. Even the injury of the informant has been found to be simple. The petitioner is in custody since 21.01.2025 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner and other co-accused persons, who under the common intention, attacked the informant and his uncle by opening fire upon them.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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 learned Chief Judicial Magistrate, Begusarai/court concerned in connection with Teghra P.S. Case No. 381 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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