

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29021 of 2025**

Arising Out of PS. Case No.-655 Year-2024 Thana- SAKRA District- Muzaffarpur

Avinash Kumar @ Charitar @ Abhinash Kumar @ Chalitr S/o Suresh Ray
R/o Sarmastpur, P.S- Sakra, Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 12-05-2025 Heard Mr. Harsh Singh, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sakra P.S. Case No. 655 of 2024, F.I.R. dated 25.12.2024 for the offences punishable under Sections 126(2), 115, 118, 109, 303(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, this petitioner along with 4 other accused persons intercepted the informant and started abusing him. It is further alleged that the co-accused gave iron rod blow on the informant and this petitioner took Rs. 72,000/- from the boot space of his vehicle.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case due to previous dispute between the parties. He further submits that it appears from the F.I.R itself that although the petitioner is named in the F.I.R but there is no specific allegation of assault against the petitioner rather the specific allegation upon the petitioner is that he has snatched Rs. 72,000/- cash from the boot space of the vehicle in question. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and the said F.I.R has been lodged only to falsely implicate the petitioner in this case. Apart from that co-accused, namely, Narendra Kumar @ Nagendra Kumar @ Modi has filed Sakra P.S. Case No. 660 of 2024 against the informant. He further submits that the occurrence took place on 23.12.2024 but the present F.I.R has been instituted on 25.12.2024 i.e., after delay of 2 days without giving any explanation of the said delay.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of assault or overt act attributed against the petitioner,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial Magistrate 1st Class, Muzaffarpur in connection with Sakra P.S. Case No. 655 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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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