

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31949 of 2025

Arising Out of PS. Case No.-284 Year-2024 Thana- THALI District- Nawada

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AVINASH KUMAR @ ANKIT KUMAR @ AVINASH @ ANKIT S/o-
Rakesh Kushwaha @ Rakesh Prasad @ Rakesh Kumar R/o- Bhanail Ps-
Nemdarganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Thali P.S. Case No. 284 of 2024, dated 15-12-2024, registered
for offences punishable under Sections 303(2)/317(5) of the
Bharatiya Nyaya Sanhita and u/s 25(1-b)a, 26 and 35 of the
Arms Act.

3. As per prosecution case, the allegation against the
petitioner is of theft of motorcycle of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that the F.I.R. is lodged
against unknown person. The name of the petitioner surfaced in



this case on the basis of confessional statement of apprehended co-accused, namely, Aman Kumar. It is further submitted that the stolen motorcycle has been recovered from the house of Rahul Kumar. It is further submitted that on the basis of confessional statement of petitioner, one country made pistol was recovered from a bush near Ahar. Lastly, it is submitted that petitioner having two criminal cases and is in custody since 15.12.2024.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of S.D.J.M., Nawada, in connection with Thali P.S. Case No. 284 of 2024, subject to the following conditions:-(i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother,



sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that 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 and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

Ranjeet/-

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