

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34953 of 2025

Arising Out of PS. Case No.-25 Year-2024 Thana- CHAKIA District- East Champaran

Avinash Kumar S/o Tarkeshwar Giri, Resident of Village- Nawada, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the State : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chakia
P.S. Case No. 25 of 2024 dated-23.01.2024, registered for the
offences punishable under Sections 397 and 302 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per allegation, the deceased was looted and shot
dead by unknown persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the F.I.R. has been lodged against



unknown persons and the name of the petitioner has been implicated in this case only on the basis of suspicion and so called confessional statement before the police, which has no evidentiary value. Even charge-sheet has been submitted and except so called confessional statement of the petitioner, there is no cogent material in support of the prosecution case against the petitioner. He further submits that similarly situated co-accused Aman Kumar has already been enlarged on regular bail by a Co-ordinate Bench of this Court vide order dated 25.02.2025 passed in Cr. Misc. No. 77604 of 2024.

5. He further submits that the petitioner has been languishing in jail since 09.05.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has two criminal antecedents.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the



sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Chakia P.S. Case No. 25 of 2024, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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