

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40550 of 2025

Arising Out of PS. Case No.-388 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Avinash Kumar @ Tinku S/o Late Bindeshwari Prasad R/o Village-
Mohanpur, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey
For the Opposite Party/s : Mr.Zainul Abedin

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Samastipur Mufassil P.S. Case No. 388/2024
dated 23.09.2024 registered for the offence punishable u/s 109,
115(2), 126(2) read with Section 3(5) of the B.N.S. and Section
25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, when the informant
was standing at a shop, three miscreants came and one
miscreant fired on the informant but he got saved. Thereafter,
the informant caught hold of the one miscreant but the other
miscreants managed to flee away. During the course of the
scuffle, the miscreant fired another shot on the informant which



hit the back of his head on the left side. In the meantime, nearby people gathered there and started assaulting the apprehended person. Thereafter, police came and on search, one pistol, two live cartridges and a motorcycle were recovered from the apprehended person who disclosed his name as Murari Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The apprehended person disclosed the name of the petitioner. No one sustained fire arm injury. The petitioner has five criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Samastipur in connection with Samastipur Mufassil P.S. Case No. 388/2024, subject to conditions as laid down under section



482(2) of the BNSS, with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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