

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69343 of 2025

Arising Out of PS. Case No.-203 Year-2021 Thana- BATHNAHA District- Sitamarhi

Avinash Das @ Avinash Kumar Das S/o- Gagandev Das Village- Bishanpur
Kamaldah PS- Bathnaha Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar Narain Singh, Adv.
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Mr. Devendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-10-2025 Heard learned counsel for the petitioner, learned
A.P.P for the State as well as learned counsel for the
informant.

2. The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 203 of 2021 dated 11.08.2021,
instituted for the offence punishable under Sections 307,
504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The allegation against the petitioner is that he
fired on right arm of the informant which caused injury in
his right arm.

4. This is second attempt for grant of regular bail



application to the petitioner.

5. *Vide* order dated 26.09.2025, a report about the present stage of trial was also called for from the Court of learned Additional District Judge-II, Sitamarhi, which has been received on 13.10.2025.

6. The learned Trial Court has informed that the charge has been framed on 18.06.2025 and nine witnesses of the prosecution have to be examined but none of them have been examined till date despite summons issued against the prosecution witnesses.

7. Learned counsel for the petitioner submits that the petitioner is not involved in the crime and he has been implicated due to previous enmity. It is also submitted that one of the co-accused, Alok Kumar, has been granted bail *vide* order dated 10.08.2022 passed in Criminal Miscellaneous No. 5619 of 2022 by this Court. Lastly, it has been submitted that the petitioner is in custody since 01.12.2022, having three criminal cases against him and no witnesses have been examined till date though charge has already been framed on 18.06.2025.

8. Learned A.P.P for the State as well as learned



counsel for the informant vehemently opposes the prayer for bail of the petitioner.

9. 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 Additional Sessions Judge-II, Sitamarhi in connection with Bathnaha P.S. Case No. 203 of 2021, subject to the following conditions:-

1. 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.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. 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.



4. 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.

(Khatim Reza, J)

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