

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68176 of 2025

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHUA District- Vaishali

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Avinash Kumar @ Avinash Rai Son of Birendra Rai R/o Village - Manpura,
P.S. Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that while the husband of the informant was sitting in front of his door and talking with some villagers, the petitioner along with others came on two bike and started firing upon her husband, as a result of which her husband fell down on the ground and when she rushed to save him, they also fired upon her but anyhow she saved herself. Informant suspected that due to election rivalry, petitioner along other co-accused persons have committed



murder of her husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that from perusal of the FIR, it is clear that there is direct allegation against the petitioner and others namely, Vinay Kumar @ Vinay Rai @ Bhulla. It is further submitted that in this case complaint has been filed by the mother of the deceased which discloses that the informant was having illicit relations, and that some other persons might have committed the murder. It is also submitted that, during the course of investigation, it has come to light that due to previous enmity, the petitioner has been falsely implicated in the present case whereas the offence was actually committed by somebody else. Further submission is that similarly situated co-accused has been extended the privilege of bail vide order dated 06.08.2021 passed in Cr. Misc. No. 23929 of 2021. Moreover, the petitioner is languishing in judicial custody since 23.04.2025.

5. On the other hand, learned counsel for the informant submits that there is direct allegation against the petitioner. It is further submitted that petitioner is the main assailant and have four criminal antecedents.



6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sessions Trial No. 354 of 2025 arising out of Mahua P.S. Case No. 02 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge -II, Vaishali at Hajipur.

(Ashok Kumar Pandey, J)

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