

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77516 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- RAJAPAKAR District- Vaishali

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Avinash Kumar @ Bholu Son of Ravindra Singh Resident of Village -
Rahimapur, P.S. - Bidupur, District – Vaishali. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 394 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that while the
informant along with his cousin Md. Saddam Kuraisi was going
towards Jandaha from Patna on his motorcycle and reach near
the Avantika Petroleum, two persons sitting on Splendor came
and started assaulting the informant's brother and snatched away
Rs.50,000/- cash and on protest one of the miscreants fired upon
the body of the informant's brother, in which he sustained
injury, thereafter they fled away.

4. It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.



He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring his confessional statement which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent and has been languishing in custody since 08.08.2024.

5. Learned APP for the State opposed the bail petition.

6. Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Rajapakar P.S. Case No.233 of 2024.

(Anjani Kumar Sharan, J.)

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