

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79502 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- SUPPI District- Sitamarhi

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Awinash Kumar @ Avnish Kumar Singh @ Abhinash Kumar Singh @
Abhinash Singh S/O Maheshwar Singh R/O Vill.- Gobindbara, Dist.- East
Champan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-04-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Suppi Police Station Case No. 261 of 2023,
disclosing offences under Sections 307, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The FIR has been registered against four
unknown persons who had come on two Apache motorcycles on
12.10.2023 in the plot of the informant and one person came
armed with a pistol and stated that the said plot belongs to one
Sanjay Nayak. On the informant answering to the same, the
person who had concealed his identity fired one shot but the
informant managed to save himself and fled away from the



place. It has further been alleged that the four persons on the two motorcycles also fled away.

4. Learned Counsel for the petitioner submits that the present FIR has been lodged against unknown persons and the name of the petitioner has transpired in the further statement of the informant himself which seems to be very strange and not believable as the informant himself stated in the FIR that the persons who had come and who had opened fire had their faces concealed. Hence, there was no chance of identifying the persons by name. The learned counsel for the petitioner further submits that there is no other eye-witness to the occurrence and the statement of other witnesses are also on the basis of the statement made by the informant. It is also the submission of the learned counsel for the petitioner that no injury has been caused to anyone in the entire transaction as alleged by the informant.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail application of the petitioner.

6. Taking into consideration all the above-mentioned facts and circumstances and also considering that the petitioner is not even the resident of the said district and has no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi, in connection with Suppi Police Station Case No. 261 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Soni Shrivastava, J)

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