

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90246 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Avinash Kumar Garg @ Avinash Thakur @ Sonu Thakur, Son of Shyam Kishore Thakur R/o Village- Chak Mohabbhat Infront of Ganpati Bibah Bhawan PS- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Mritunjay Kumar, Advocate
For the State	:	Dr. Ajit Kumar, APP
For the Informant	:	Mr. Akash Raj, Advocate Mr. Arun Bharti, Advocate Mr. Rahul Kumar, Advocate Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Ahiyapur P.S. Case no. 39 of 2023 registered under sections 307, 341, 324, 326 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that three named accused persons including the petitioner herein resorted to indiscriminate firing causing gunshot injuries to the brother of the informant.

4. It is submitted by learned Senior Counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 16.4.2024 (Annexure-1) passed in Cr.



Misc. no. 452 of 2024. It is further submitted that the petitioner has been falsely implicated in the case. The petitioner is in custody since 27.6.2023 and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having resorted to indiscriminate firing. His prayer for bail on merits has already been rejected on an earlier occasion. The petitioner has not stated his antecedents correctly as he is involved in seven cases. The injured, as per instructions, has sustained paralysis. The father of the petitioner is disposing of property with the intent to abscond. Once the petitioner is enlarged on bail, he will not permit the trial to conclude. As such, it is prayed that the application for bail be rejected.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the statement made in paragraph no. 9 of the petition, together with the petitioner having remained in custody for more than 1 year 6 months since 27.6.2023 and charge having been framed in the trial Court vide order dated 21.10.2024 (Annexure-3), the



petitioner is directed to be enlarged on bail in connection with Ahiyapur P.S. Case no. 39 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Muzaffarpur.

(Partha Sarthy, J)

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