

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45152 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- KOILWAR District- Bhojpur

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Avinash Kumar S/o Kameshwar Rai R/o Village- Ward No. 4, Koilwar, P.S.-
Koilwar, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 16-03-2026 Heard Mr. Ravindra Kumar, learned counsel for the

petitioner and Ms. Renu Kumari, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
31.01.2025 in connection with Koilwar P.S. Case No. 29 of
2025, F.I.R. dated 30.01.2025, for the offences punishable under
Sections 103(1), 61(2) of the B.N.S., 2023 and u/s 27 of the
Arms Act.

3. According to prosecution case, petitioner and other
co-accused persons in a conspiracy committed murder of son of
the informant by firing shots.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged is



false and fabricated and the petitioner has not committed any offence as alleged in the FIR and petitioner has been made accused in the present case merely on the ground that he is the brother of the co-accused, namely, Nagendra Ray. From bare perusal of F.I.R., it appears that the informant is not an eye-witness of the present occurrence and he has filed the present FIR merely on the basis of suspicion. Learned counsel further submits that the date of occurrence as alleged in the FIR is 30.01.2025 at 01:45 P.M. and the present FIR instituted on 30.01.2025 at about 7:20 PM. But from bare perusal of postmortem report which suggests that postmortem was commenced at 3:15 PM. on the same day before lodging of the FIR. Learned counsel further submits that after knowing cause of death of the deceased, informant has filed the present FIR against the petitioner and other family members. He further submits that similarly situated co-accused person, namely, Nagendra Ray has been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 06.08.2025 passed in Cr. Misc. No. 23672 of 2025, another co-accused person, namely, Sujit Kumar, has been granted regular bail by a coordinate Bench of this Hon'ble Court vide order dated 15.10.2025 passed in Cr. Misc. No. 60218 of 2025 and the



petitioner has been granted provisional bail by a coordinate Bench of this Court vide order dated 25.08.2025 and the petitioner has never misused the same and had surrendered within time. The petitioner is in custody since 31.01.2025.

5. Learned APP for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation of firing attributed against the petitioner and apart from aforesaid, petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances and also the fact that the postmortem was conducted before lodging of the FIR and the co-accused persons, namely, Nagendra Ray and Sujit Kumar have been granted regular bail by different coordinate Benches of this Hon'ble Court, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Koilwar P.S. Case No. 29 of 2025, with the following conditions:

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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