IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67527 of 2026

CNR No. BRHC010956742026

Arising Out of PS. Case No.-87 Year-2025 Thana- MATIHANI District- Begusarai

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Avinash Kumar @ Durkalba S/O Umakant Singh Resident of Village- Ramdiri Mahaji Bhavanandpur, Ward No. 11, P.S.- Matihani, District- Begusarai, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate Ms. Ayushi, Advocate Mr. Amit Prakash, Advocate
For the State	:	Mr. Nand Kumar, A.P.P.
For the Informant	:	Mr. Shashi Dhar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 20-11-2026 Heard Mr. Binod Kumar, learned counsel for the petitioner, Mr. Shashi Dhar Jha, learned counsel for the informant and Mr. Nand Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 28.07.2025 in connection with Matihani P.S. Case No. 87 of 2025 for the offences punishable under Sections 126(2), 115(2), 352, 109(1), 3(5) of BNS and Section 27(1) of the Arms Act.

3. The prosecution case, as narrated by the informant, Kailash Mishra, is that on 12.05.2025, at about 02:25 A.M., he gave his statement before the police officer at Sadar Hospital,

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Begusarai. The informant stated that on the same day, at about 10:00 A.M., while he was present at his house, accused Avinash Kumar came there and questioned his younger brother as to why he was carrying the haystack belonging to Rajeev Singh. In response, his brother stated that the informant and his brother worked as labourers and undertook whatever work was available to them. The informant further stated that they would not go for the work any longer. Thereafter, accused Avinash Kumar left the place. Subsequently, accused Avinash Kumar, Raja Ram Singh, Bhullu Singh, Kuldeep Singh and Rishu Kumar came to the informant's house and started abusing and assaulting the informant, Chandan Mishra and Sudhir Mishra with lathis and dandas, as a result of which Sudhir Mishra and Chandan Mishra sustained injuries. In the meantime, accused Avinash Kumar fired a shot from his pistol at Chandan Mishra. However, Chandan Mishra escaped the bullet, which hit the thigh of the informant's daughter. Thereafter, all the accused persons fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was dismissed as withdrawn *vide* order dated 25.03.2026 passed in Cr. Misc. No. 85448 of 2025. Learned counsel for the petitioner further

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submits that, as per the allegations made in the FIR, the petitioner allegedly attempted to fire a shot at one Chandan Mishra; however, the shot missed its intended target and struck the daughter of the informant in her eye. It is next submitted that the petitioner had no intention to cause the death of the informant's daughter. Although the doctor has opined that the injury was dangerous to life and police after investigation has submitted charge-sheet and petitioner has been in judicial custody since 28.07.2025 i.e., more than one year.

5. The learned Additional Public Prosecutor, appearing on behalf of the State and learned counsel for the informant have vehemently opposed the prayer for bail made by the petitioner and submit that it appears from the FIR that there is direct and specific allegation against the petitioner and he has fired upon the daughter of the informant. Apart from that petitioner has antecedent of ten cases but fairly submits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances as well as the period of custody, 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 Additional Sessions Judge-V,

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Begusarai in connection with Matihani P.S. Case No. 87 of 2025, subject to 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 his absence on two consecutive dates without sufficient reason, his 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)

Gaurav Sinha/-

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