

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III,

SAMASTIPUR

B.P NO-685/2026

Arising out of Kalyanpur P.S. Case No.-267/2025

**Avinash Kumar, S/o- Pramod Sah, Vill-Kafen gobardhan, P.S.-Garha,
Distt.-Muzaffarpur**

Vrs.

The state of Bihar

Present:-For the petitioner –Sri Vikash Ranjan, Id. Advocate.

For the state- Sri Shiv Shankar Prasad, Id. A.P.P.

Present-Rahul Kumar,

Addl. Sessions Judge-III,

Samastipur.

Order

02.07.2026

This bail petition has been filed on behalf of custody accused petitioner **Avinash Kumar** who is in custody since 12.05.2026 in connection with **Kalyanpur P.S. Case No.-267/2025** registered u/sec.-334(1), 303(2) of Bhartiya Nyaya Sanhita. Heard both the sides on bail petition.

The Id. Counsel appearing on behalf of the petitioner has submitted that no other bail application except this is pending before any other court and he has further submitted that petitioner is innocent and has not committed any offence. The Id. Counsel has further submitted that the petitioner has been falsely implicated in this case out of malice, enmity and grudge. The Id. Counsel has further submitted that the petitioner is not named in the FIR and his name surfaced in this case on the confessional statement of co-accused persons. The Id. Counsel has further submitted that the petitioner is bonafide purchaser of the seized article who is also shop keeper at village having bill of all seized article. The Id. Counsel has further submitted that earlier co-accused persons have been

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granted regular bail by this court vide B.P No.-1665/2025, 1667/2025 and 94/2026. The Id. Counsel has further submitted that the petitioner has got two criminal antecedents. Accordingly, the Id. Counsel has prayed that the petitioner may be enlarged on bail.

On the other hand, the Id. APP for the State has vehemently opposed the prayer of bail and has submitted that there is sufficient material available in the case diary to support the allegations against the petitioner. The Id. APP has further submitted that the petitioner also got criminal antecedent. Accordingly, it has been prayed that the bail petition filed on behalf of the petitioner may be rejected.

Heard both the sides and perused the case record with case diary. From perusal of case record, it appears that in this case the F.I.R. has been lodged in connection with **Kalyanpur P.S. Case No.-267/2025** registered u/sec.-334(1), 303(2) of Bhartiya Nyaya Sanhita. The prosecution story in brief as per F.I.R. is that on 02.08.2025, when the informant opened his shop, he saw that all the locks of his shop have been dismantled and main gate was opened, when the informant went inside he saw that 20 bags refine, 150 litre mustard oil, 3 bags dalda, 50Kg Surf, 30 boxes coconut oil, 25 packet of cigarette all worth of Rs. 2,00,000/- and cash of Rs.25,000/- were missing from his shop.

It appears on perusal of record as well as case diary, it appears that the name of accused surfaced during the investigation on the basis of confessional statement of co-accused. Further, it appears that some articles is said to be recovered from the shop of petitioner. However, it also becomes clear that petitioner himself runs Kirana Shop. Petitioner has argued that the articles which are said to be recovered are the materials of his kirana shop and was duly purchased by him. Record shows that identification of recovered articles has not taken place. The petitioner is under custody since 12.05.2026.

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It has also been submitted on behalf of the petitioner that the other cases pending against petitioner are connected to each other.

Record also shows that co-accused have already been enlarged on bail by this court.

Therefore, considering the above said facts and circumstance especially recovery from the kirana shop of the petitioner, materials available on record and nature of the offence, the bail petition filed on behalf of above named petitioner is hereby **allowed** and the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Id. Trial Court subject to condition laid down under section 480(3)(a)(b)(c) of BNSS.

Let copy of this order be communicated/sent to Id. Trial Court and be uploaded on web portal. Let Trial Court record, if any, be returned.

Dictated

S/D

(Rahul Kumar)
A.S.J.-III,
Samastipur.

Dated- 02.07.2026