

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14373 of 2020**

Arising Out of PS. Case No.-199 Year-2019 Thana- GWALPARA District- Madhepura

SHAILESH SINGH @ SHAILESH KUMAR SINGH S/o Late Gauri Shankar
Singh R/o village- Bara, Ward No. 06, P.S.- Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Srivastava, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-09-2020 Heard learned counsel for the petitioner and Mr. Abhay
Kumar Roy, learned APP for the State.

The sole petitioner in the present case is seeking pre-arrest bail in connection with Gwalpara P.S. Case No.199/2019 registered for the offence punishable under Sections 341, 323, 447, 307, 504 and 506/34 of the Indian Penal Code.

As per the allegations in the First Information Report, eight named accused along with 10-15 unknown persons came lashed with lathi, danda and other weapons on the shop of the informant and at the instance of this petitioner all the accused persons started assaulting the son of the informant. It is further alleged that when the informant went to save him he was also assaulted. In the FIR itself it is alleged that because of the scheduled election this petitioner is involved in threatening the informant taking his religion name and



telling to teach him a lesson.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case just to harass him. It is submitted that so far as the allegations of assault is concerned, the petitioner has lodged a counter case as it is he who had been assaulted by the informant side. It is further submitted that the injuries found on the body of the informant are not suggesting assault by several persons. The only one injury has been found on the body of the son of the informant which is simple in nature and further the supplementary injury report of the P.H.C. shows that he refused to go to Sadar Hospital and was normal. The injury report of the present petitioner shows that he had suffered lacerated wound on his temporal area right side of the head, abrasion on right side of finger and bruise on left side of back which shows that the counter case of the petitioner is correct.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case and the materials on the record not supporting the prosecution case, the injury being simple in nature and there being injuries on the body of the present petitioner as well in terms of the counter case, petitioner is not having any criminal antecedent otherwise, let the petitioner above named in the event of her arrest or surrender within a period of four weeks from today in connection with Gwalpara P.S.



Case No.199/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri Shiv Kumar, J.M.-1st Class, Udakishunganj, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

