

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42221 of 2021**

Arising Out of PS. Case No.-115 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Raushan Malakar Son of Upendra Malakar R/o village- Maghara, P.S.-
Deepnagar, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 26-10-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Laheri P.S. Case No. 115 of 2021, registered for the offence under Sections 147, 148, 149, 341, 342, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, all the FIR named accused persons including this petitioner assaulted the informant and when younger brother of informant intervened, he was also assaulted by the accused persons. It is further alleged that this petitioner fired from his country-made pistol upon the informant, however; no fire-arm injury was caused to him.

It is submitted on behalf of petitioner that there is general and omnibus allegation and no specific allegation of assault is against this petitioner. By way of filing supplementary affidavit, the deposition of informant (P.W.1) has been brought



on record, as Annexure – 4 to the supplementary affidavit, wherein the informant has not supported the prosecution case and stated that he has not seen this petitioner at the place of occurrence on the alleged date and time and only on suspicion, petitioner has been named in the FIR. Petitioner has got clean antecedent and he is in custody since 19.03.2021. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional Chief Judicial Magistrate – V / Successor Court, Nalanda at Bihar Sharif in connection with Laheri P.S. Case No. 115 of 2021.

(Prabhat Kumar Singh, J.)

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