

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61199 of 2021**

Arising Out of PS. Case No.-326 Year-2021 Thana- GAYA KOTWALI District- Gaya

RAJU GUPTA SON OF RAM DAS GUPTA R/O - NADRAGANJ, P.S.-
CIVIL LINES, GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Archana Sinha
For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 30-11-2021 Supplementary affidavit is filed on behalf of the
petitioner today in court. Let it be kept on record.

Heard learned counsel for the petitioner and learned
APP for the State.

Present case has been taken up out of turn based on
mentioning made by learned counsel for the petitioner on the
ground that sister of this petitioner is getting married on
01.12.2021 and petitioner is only brother and father is 75 years
old.

Petitioner seeks bail in connection Kotwali P.S. Case
no. 326 of 2021 registered for the offence punishable under
sections 341, 323, 307, 353 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that
allegation as alleged by the informant who is traffic constable



alleged that he requested the petitioner to remove E-Rickshaw from no parking zone. Learned counsel for the petitioner further submits that it was the police who assaulted and later on implicated the present petitioner in this false case. Further injury report annexed as Annexure 2 shows that injury of the informant is simple in nature and petitioner is in custody since 20.7.2021 and he is E-Rickshaw driver.

Learned APP opposes the prayer for bail.

Considering the facts that case was mentioned and supplementary affidavit has been filed annexing marriage card and in the nature of the allegation as alleged this court is inclined to grant provisional bail and accordingly, he is directed to be released on provisional bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in Kotwali P.S. Case no. 326 of 2021 but at the same time, the court below will seek a report from the Superintendent of Police of the district with respect to marriage of sister of this petitioner and in the event report discloses that mentioning was made only for the purpose of seeking bail and there was no marriage in the family, provisional bail shall be canceled and petitioner will be taken into custody forthwith. Further if report discloses that



marriage card is genuine and sister of this petitioner is getting married on 01.12.2021 then court below shall confirm provisional bail granted to the petitioner.

The petition stands disposed of.

(Satyavrat Verma, J)

s.hassan/-

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