

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35905 of 2021**

Arising Out of PS. Case No.-255 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Rishi Kumar, aged about 19 years (Male), S/O Sanjay Kumar, Resident Of
Village-Rohi Bigha, P.S. Magadh Medical, District-Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party : Mrs. Pushpa Sinha No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Magadh Medical P.S. Case No. 255/2020 registered for the
offence under Sections 147, 148, 149, 341, 342, 323, 504, 506,
307 of the I.P.C. and Section 27 of the Arms Act.

The prosecution story, in brief, is that on 16.12.2020
at about 8.00 P.M., when the informant was running his egg
shop at his house, then co-accused Dilip Yadav, Birendra @
Biru and Sinodh Kumar came and asked to close the shop and



started abusing and on his protest, they assaulted him with fists and slaps and Lathi-Danda and when the informant entered into his house, they locked his door, abused and threatened to kill Vikash Kumar. On protest by Vikash Kumar and his family members, the petitioner alongwith other co-accused persons came armed with rifle and pistol and started firing on the house of the informant and on the house of Vikash Kumar. The informant informed to the police station by Mobile whereupon the accused persons fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Gaya in connection with Magadh Medical P.S. Case No. 255/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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