

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52976 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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AADARSH SHARMA @ AADARSH KUMAR Son of Rakesh Raman
Sharma Resident of Road No. -7-E, Near Devi Ashthan, Magadh Colony, P.S.
Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kunal Tiwary, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-06-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Magadh Medical P.S. Case No. 34 of 2021 for the offence
registered under Sections 341, 342, 323, 379,504, 307, 506/34
of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that while the
informant on the alleged date and time of occurrence was going
to give money to the milkman and had reached near Pyare
Apartment situated at Magadh Colony, the accused persons
including the petitioner herein had surrounded him and
assaulted him with legs, fists and sticks. As far as the petitioner
is concerned, it is alleged that he had fired gun shots on the



informant, however, the same did not hit the informant and crossed nearby his ear.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the allegation levelled against the petitioner is general and omnibus in nature and he has not been alleged to have inflicted any injury on the informant apart from the fact that the present case has fabricated in order to implicate the petitioner falsely on account of previous animosity. It is also submitted that the present case arises out of case and counter case. Lastly, it is submitted that similarly situated co-accused persons have already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 28.04.2022 passed in Criminal Misc. No. 54844 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the materials on record as also considering the fact that none of the injuries sustained by the informant is attributable to the petitioner herein, I deem it fit and proper to admit the petitioner herein to the privilege of



anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Gaya in connection with Magadh Medical P.S. Case No. 34 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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