

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54844 of 2021

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

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1. Vikash Kumar @ Vikash Yadav, Male, aged about 28 years, Son of Rajdeo Yadav, Resident of Raghunath Nagar, Chandauti More, Ram Pur, P.S.-Magadh Medical, District - Gaya - 823001.
 2. Dinesh Yadav @ Arit Raj, Male, aged about 29 years, Son of Rajdeo Prasad Yadav, Resident of Raghunath Nagar, Chandauti More, Ram Pur, P.S.-Magadh Medical, District - Gaya - 823001.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Kunal Tiwary, Advocate
For the Opposite Party : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

The petitioners are apprehending their arrest in connection with Magadh Medical P.S. Case No. 34/2021 for the offence registered under Sections 341, 342, 323, 379, 504, 307, 506/34 of the I.P.C. and Section 27 of the Arms Act..

The prosecution story, in brief, is that on 19.01.2021 at about 1.00 P.M., the petitioners alongwith other accused



persons intercepted the informant on the way near *Pyare Apartment* and started to drag him and after assaulting him, confined him in a room. When the informant made hue and cry, then Dinesh Yadav @ Arit Raj (petitioner 2) having pistol in his hand threatened to kill him. Petitioners alongwith other co-accused badly assaulted the informant and gagged the cloth into the mouth of the informant and demanded ransom of Rs. 1,00,000/- from the informant. Vikash Yadav @ Vikash Kumar (petitioner no. 1) snatched Rs. 2300/- from the pocket of the informant. Co-accused Abhinav Pratap snatched golden ring from the ear of the informant and other co-accused took golden ring from his hand. When the informant tried to flee from the place of occurrence, then co-accused Adarsh Sharma @ Aaloo @ Adarsh shot fire with intention to kill him, but by chance, the informant escaped bullet injury.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side 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 petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Gaya, in connection with Magadh Medical P.S. Case No. 34/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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