

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64490 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. PRINCE KUMAR SON OF RANJAY SINGH @ RANJAY KUMAR SINGH RESIDENT OF VILLAGE- KOSHDIHRA, POLICE STATION- MAGADH MEDICAL, DISTRICT- GAYA
 2. SHAYAM SUNDAR SINGH SON OF LATE RAM SWAROOP SINGH RESIDENT OF VILLAGE- KOSHDIHRA, POLICE STATION- MAGADH MEDICAL, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-06-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Learned counsel for the petitioners has submitted that during pendency of the anticipatory bail petition, petitioner no.1 has been arrested. He, therefore, seeks permission to withdraw the application. The application is accordingly dismissed as withdrawn in respect of petitioner no.1(Prince Kumar).

Heard learned counsel for the petitioner no.2 and the learned APP for the State.

The petitioner no.2 apprehends his arrest in



connection with Magadh Medical P.S. Case no. 81 of 2021 registered under sections 307, 353 and other allied section of the Indian Penal Code.

The main submission advanced by the learned counsel for the petitioner is that as per prosecution story, police raided the house of co-accused Prince Kumar in the mid night without getting prior permission of the concerned Judicial Magistrate and accordingly violated the provision of section 46 of the Cr.P.C and in the present case, three persons are said to have sustained injury and in the middle portion of the FIR, petitioner is alleged to have ordered to co-accused persons to assault the police personnels but in the last portion of the FIR, name of the petitioner did not find place as an assailant or being named in the alleged occurrence and moreover, several persons are said to have committed the occurrence and main allegation is for pelting stone on police party and tried to save co-accused in illegal manner. Further submission is that petitioner no.2 is very old person, has no criminal antecedent and he retired from Magadh Medical college.

Learned APP opposes the prayer for anticipatory bail.

Considering the above submissions, clean antecedent of the petitioner, old age, role of the petitioner as alleged in the



FIR and also violation of section 46 Cr.P.C by the police personnels while searching co-accused as submitted by learned counsel for the petitioner, in my view, petitioner deserves anticipatory bail. Let petitioner no.2, Shyam Sundar Singh, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate IV, Gaya in connection with Magadh Medical P.S. Case no. 81 of 2021 subject to condition as laid down under section 438(2) Cr.P.C.

(Shailendra Singh, J)

s.hassan/-

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