

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34454 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- BODHGAYA District- Gaya

RAJ BALLABH SINGH S/O SHIV NANDAN SINGH R/O Village-
Harlikala, P.S- Bodh Gaya, Distt.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bodh Gaya P.S. Case No. 107 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

3. It is alleged that while the informant was going for immersion of *Sarswati* idol, the accused persons have assaulted the informant and other members of the procession.

4. Learned counsel for the petitioner submits that as per FIR, firing is attributed to the petitioner, whereas none has sustained any firearm injury nor has any material been collected from the alleged place of occurrence to sustain the story of



firing. Petitioner is a man of clean antecedent. Specific allegation of assault has been made against other co-accused persons, namely, Ranjeet Singh, Niraj Singh, Bitish Sao, Rajdev Sao, and Gautum Singh. He submits that his implication is on account of proximity with other co-accused persons merely on suspicion.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, the fact that no firearm injury has been sustained by any person and petitioner's clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Kumar Saurabh Bhanu, Judicial Magistrate, 1st Class, Gaya, in connection with Bodh Gaya P.S. Case No. 107 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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