

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48302 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- NAUTAN District- Siwan

VISHAL SINGH SON OF VIJAY SINGH RESIDENT OF VILLAGE -
HATHAUJI, P.S. - NAWTAN, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr.Mukesh Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Nawtan P.S. Case No. 237 of 2022, registered for the offences punishable under Sections 147, 341, 323, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act.
3. The allegation is regarding the informant having gone to the temple for listening to sermon, where the accused persons including the petitioner had assaulted him. It is also alleged that the petitioner had pointed pistol on the forehead of the petitioner and fired on him resulting in the bullet scraping through the side of his ear.
4. The learned counsel for the petitioner has



submitted that the petitioner is innocent, he 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 no such incident, as alleged, has taken place and in fact the entire allegation levelled in the FIR are concocted. It is also submitted, by referring to the injury report, annexed as Annexure-2 to the present petition, that firstly the same is a manufactured injury report inasmuch as though the incident is alleged to have taken place on 29.09.2022 at about 08:00 P.M. in the night, however, the time of occurrence has been mentioned in the injury report as 05:30 P.M., nonetheless, the injuries have been found to be simple in nature, hence the petitioner be granted the privilege of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering the fact that the injuries sustained by the informant have been found to be simple in nature, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. 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 the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Siwan in connection with Nawtan P.S. Case No. 237 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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