

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52168 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- DUMRAO District- Buxar

1. AMAN GUPTA @ SUBHAM KUMAR S/O MUNNA GUPTA R/O VILLAGE- NIMEJ TOLA BHAGWATI MANDIR WARD NO. 22, PS. DUMRAON, DIST. BUXAR
2. MUNNA GUPTA S/O JAWAHIR GUPTA R/O VILLAGE- NIMEJ TOLA BHAGWATI MANDIR WARD NO. 22, PS. DUMRAON, DIST. BUXAR
3. RAJESH KUMAR @ RAJESH THATHERA S/O RAMJI THATHERA R/O VILLAGE- NIMEJ TOLA BHAGWATI MANDIR WARD NO. 22, PS. DUMRAON, DIST. BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.
For the Opposite Party/s : Mr. Rajendra Nath Jha, APPT

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Ravi Shankar Pathak, learned counsel

 appearing on behalf of the petitioners and Mr. Rajendra Nath

 Jha, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Dumraon P.S. Case No. 130 of 2023, dated 18.03.2023,
registered under Sections 147, 148, 149, 323, 307, 379, 504, 506
of the Indian Penal Code.

3. As per allegation made in the F.I.R., petitioners
along with other co-accused with an intention to kill the
informant had assaulted on his head.

4. Learned counsel appearing on behalf of the



petitioners submits that case of the petitioners are falsify from the injury report. It has been described in the impugned order that the informant was treated in private hospital for chest pain and discomfort. Petitioner no. 3 has clean antecedent and so far as petitioner nos. 1 and 2 are concerned, one case is pending against them, in which the informant of the present case is also informant in the earlier case. In the present case, due to enmity petitioners have been falsely implicated.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that the informant was treated for chest pain and discomfort, no injury has been found as per the opinion of the Doctor, the prescription of the private hospital is attached with the case diary, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Dumraon Buxar Town P.S. Case No. 130 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



7. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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