

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52619 of 2023

Arising Out of PS. Case No.-34 Year-2018 Thana- BIHAR District- Nalanda

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Gautam Kumar S/O Dinesh Singh R/O Village- Surumpur, Ps. Silao, Dist.
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Sharda Nand Mishra, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Bihar P.S. Case No. 34 of 2018 registered for the offence
punishable under Sections 341, 354A, 323, 326, 307, 379, 504
and 506 of the Indian Penal Code.

3. It is alleged that the petitioner was found involve in
teasing the girl students of a college and when the same was
protested, the petitioner along with others assaulted the
informant by means of an iron rod and hockey stick due to
which he sustained serious injuries. The petitioner also snatched
his valuables.

4. Learned counsel appearing on behalf of the



petitioner submits that from the materials on record, it is evident that the alleged offence which is said to have occurred in the college, the petitioner is not the student of such college. He further drew the attention of this Court to injury report and submits that all the injuries have been found to be simple in nature, in support of the aforesaid averment, he brought the injury report on record as Annexure – 2 to the petition. He further submits that during the course of investigation taking into consideration the injury report, the Dy.S.P., Sadar Nalanda also found that there is no material constituting in case under Section 326 and 304 of the Indian Penal Code. He further submits that so far as the allegation of teasing the girls of the college is concerned, no statement of any college girl has been recorded. He lastly submits that the petitioner is a student of fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that there is specific allegation against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and fair antecedent, let the above named petitioner, be released on bail,



in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, in connection with Bihar P.S. Case No. 34 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with the further condition that one of the bailors shall be the own/close family members of the petitioner. And in addition thereto the petitioner is directed to mark his attendance at least for six months on the first week of every month before the local police station.

(Harish Kumar, J)

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