

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52788 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Niraj Kumar S/O Jamun Siingh R/O Village- Hario, Ps. Magadh Medical, Distt. Gaya
 2. Shamsheer Singh @ Rahul Singh @ Rahul S/O Alagdev Singh R/O Village- Hario, Ps. Magadh Medical, Distt. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 19-08-2023 Heard Mr. Mahendra Thakur, learned counsel
appearing on behalf of the petitioners and learned Additional
Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Magadh Medical P.S. Case No. 111 of 2023, registered for
the offences punishable under Sections
147,148,149,341,323,506,354(B),379 of the Indian Penal Code.

3. Allegedly, while the informant along with his
friends were returning from the *dalan* of his grandfather in the
meantime, all the accused persons, including the petitioners,
intercepted and assaulted them by means of *lathi*, *danda* and
butt of the pistol. On *hulla* being raised, the parents of the



informant came and tried to save them, however they were also assaulted and the accused persons misbehaved with the mother of the informant and tried to outrage her modesty. When the villagers gathered, they fled away by making open fire.

4. Learned counsel appearing on behalf of the petitioners submits that the present case is nothing but registered in retaliation of the earlier two cases lodged by the persons of the petitioners' side being Magadh Medical P.S. Case Nos. 108 of 2023 and 109 of 2023. He further submits that only with a view to save from the rigors of law, the informant has lodged the present case by making frivolous allegation against the petitioners and their family members. He next submitted that none of the persons of the informant side have sustained any injury and so far the allegation of Section 354(B) of the IPC is concerned the same is only a super-addition. He lastly submits that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation and will not indulge in such crime in future.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the petitioners are named in the FIR with specific allegation.

6. Regard being had to the submissions made on



behalf of the parties and considering the case and counter case and the fact that none of the persons of the informant side has sustained any injury, coupled with the fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Magadh Medical P.S. Case No. 111 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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