

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53050 of 2023**

Arising Out of PS. Case No.-209 Year-2023 Thana- MAGADH MEDICAL COLLEGE  
District- Gaya

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RAUSHAN KUMAR @ RAUSHAN RAJ S/O LATE MANOJ YADAV R/O  
VILLAGE- KALHAURA, PS. BODHGAYA, DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rama Kant Singh, Advocate  
For the Opposite Party/s : Mr.Abhay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      21-08-2023                      Heard the parties.

The petitioner is in judicial custody in connection with Magadh Medical (M.M.C.H.) P.S. Case No. 209 of 2023 for the offence punishable under Sections 324, 326, 307, 384, 504, 341, 323, 120(b)/34 of the Indian Penal Code and 27 of the Arms Act lodged on 1.5.2023 by the informant, Chandan Dubey.

As per the prosecution story, the allegation is that three persons including the informant were returning home, all of sudden, on Gaya-Dhobi Road, the accused persons came from behind on another motorcycle, opened fire which hit his thigh and thereafter, they escaped. He was taken to Magadh Medical College Hospital, Gaya.



He alleged that he had previous enmity with named accused persons who had demanded ransom which led to this incident. Accordingly, the FIR.

The case of the petitioner is that though the allegation of firing is there, the injury has been found to be simple in nature and he has annexed the injury report (Annexure-P/2 of in the petition).

Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the informant through Demand Draft of local SBI to be submitted before the trial Court.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the aforesaid submission, omnibus allegation is there, the petitioner is not named in the FIR, suspicion has been raised against number of accused persons, is in custody since 9.5.2023n and the injury has been found to be simple in nature, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- to be submitted through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after



checking the credential.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Gaya, in connection with Magadh Medical (M.M.C.H.) P.S. Case No. 209 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is  
allowed.

**(Rajiv Roy, J)**

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