

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66417 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- WAJIRGANJ District- Gaya

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Bigan Mahto @ Dharmendra Kumar S/O- Baleshwar Mahto Village-
Kenardih PS- Wazirganj Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-10-2023 Heard Mr. Vishwa Ranjan Choudhary, learned
counsel appearing on behalf of the petitioners and Mr. Md.
Matloob Rab, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Wazirganj P.S. Case No.50 of 2023 dated 27.01.2023
registered for the offence punishable under Sections 447, 323,
354(B), 379, 504, 34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the petitioner
alongwith other co-accused persons had abused and beaten the
informant.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case. On perusal of case diary it
is evident that there is admitted previous dispute between the

petitioner and the informant. No specific allegation has been made against the petitioner.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, it appears to this Court that the FIR is not sustainable, as no injuries has taken place on any vital part of the informant. There is no question of outraging of modesty of the informant, therefore, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Gaya in connection with Wazirganj P.S. Case No.50 of 2023 dated 27.01.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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