

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71217 of 2023**

Arising Out of PS. Case No.-115 Year-2023 Thana- BAHERI District- Darbhanga

Shyamakant Singh @ Shyamakant Kumar son of Sri Ram Bahadur Mandar @  
Ram Bahadur Mandal Village- Pabra P.S.- Baheri District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      09-11-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Baheri P.S. Case No. 115 of 2023, registered on 19.04.2023 for the alleged offences under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

3. As per prosecution case, the informant gave a written report that father of the petitioner, Ram Bahadur Mandar, assaulted his mother and other family members and a case bearing Baheri P.S. Case No. 125 of 2021 was lodged and said Ram Bahadur Mandar got lodged Baheri P.S. Case No. 126 of 2021 procuring fake injury report. The allegation against the petitioner and other co-accused persons is that they were also involved in such procurement of fake injury report on the basis



of some bogus CT Scan.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. There is case and counter case between the parties in the background of some land dispute. The father of the petitioner was injured and was treated in DMCH and he was prescribed CT Scan. In police cases the reports are directly sent from radiological centre to the doctor concerned and it is not handed over to the patient. The father of the petitioner was not an outdoor patient and he was referred to radiological centre by the doctor so the said report was sent to the doctor and he issued the injury report showing injury of the father of the petitioner to be grievous in nature. On the basis of said report, accused Sunil Kumar of Baheri P.S. Case No. 126 of 2021 was not granted anticipatory bail. Learned counsel further submits that in retaliation thereof, the instant case has been lodged. There is only vague allegation against the petitioner and other co-accused persons and except that there is nothing against the petitioner. The petitioner is in custody since 26.07.2023 and charge sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that



the petitioner and other co-accused persons under a conspiracy got prepared fake injury report in order to file case against the informant side.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner in the background of vague allegation and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga/concerned court in connection with Baheri P.S. Case No. 115 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the  
terms of the bail, the bail bonds of the  
petitioner will be liable to be cancelled  
by the court concerned.

(Arun Kumar Jha, J)

DKS/-

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