

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.14919 of 2014**

Arising Out of PS.Case No. -238 Year- 2000 Thana -BAKHTIYARPUR District- PATNA

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Arvind Prasad So Of Bilash Prasad Yadav Resident Of Village -Saidalli,  
P.S.- Rhau, District - Nalanda

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Lalan Kumar(App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

5      24-12-2014                      Heard learned counsel for the petitioner as well as  
  
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 22.7.2013 in  
Bakhtiarpur P.S. Case No.238 of 2000 for the offences under  
Sections 147, 148, 149, 302 of the I.P.C. and 27 of the Arms Act.

It has been submitted on behalf of the petitioner that  
during course of partition and measurement being taken there was  
some altercation between the parties as a result of which one Anil  
Yadav fired from his rifle which caused injury on the chest of the  
informant's brother Umesh Yadav and thereafter the brother –in-  
law of Anil Yadav the present petitioner, Arvind Prasad also fired  
from his pistol which hit on the thigh of Umesh Yadav. It is  
further submitted that when the informant's brother fell down all

the accused persons stated that if any interference is made by any body he would be assaulted in the same manner. The informant's brother Umesh Yadav succumbed to his injuries and thereafter the accused persons ran away. It is specifically alleged in the F.I.R. that the fire hit on the chest of Umesh Yadav there is no such injury as per the postmortem report. Consequently, this Court was pleased to call for a clear photocopy of the inquest report and the postmortem report of this case.

From perusal of the said report it is not reveal the second injury to be on the thigh of the deceased.

Considering the aforesaid facts and circumstances of the case and also that the postmortem report belies as per the First Information Report and that the petitioner has no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount of each to the satisfaction of learned A.C.J.M., Barh, Patna, in Bakhtiarpur P.S. Case No.238 of 2000.

**(Anjana Mishra, J)**

AnilKrSinha/-

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