

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.18725 of 2015**

Arising Out of PS.Case No. -790 Year- 2014 Thana -TURKAULIYA District-  
EASTCHAMPARAN(MOTIHARI)

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1. Amiri Lal Prasad. S/o Late Narayan Sah. R/o Village - Kukurjari, P.S.-  
Baiyaria, District - East Champaran..... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar Mishra

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

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

**ORAL ORDER**

3      23-09-2015      Heard learned counsel for the petitioner and learned Additional  
Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Section 307 and other sections of the Indian Penal Code and Section 27 of the Arms Act. Case diary has been called for which has since been received.

Learned counsel for the petitioner submits that the informant is the son of the own brother of the petitioner with whom there is a land dispute. He further submits that the entire allegation as made out against him of firing injuring the hands of the father of the informant is a figment of his imagination. Rather it was some member of the crowd who had accompanied the informant and his son and who had adopted a belligerent stand against this petitioner who had actually fired from behind and the informant's father was not injured in the manner as described earlier in this case.

Learned counsel for the informant submits that several witnesses

have supported the prosecution case and there is a clear injury which is grievous in nature.

Learned counsel for the State pointing out several paragraphs of the case diary has drawn the attention of this Court that apart from the witnesses who are said to be eye-witnesses along with the informant, there are no other witnesses who have supported the story of the petitioner of having fired the shot.

Considering the aforementioned fact and circumstances and in view of the fact that petitioner and the informant are very closely related and there is history of land dispute between them and there being no further cogent material in the case diary, let the petitioner, in the event of his arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Turkaulia P.S. Case No. 790 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Anjana Mishra, J)**

Saif/-

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