

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1447 of 2016

Arising Out of PS.Case No. -89 Year- 2012 Thana -BASANTPUR District- SIWAN

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Arjun Prasad, son of Sri Lallan Prasad, resident of village- Magahi
(Gopalpur), P.S- Basantpur, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harshvardhan Shivsundaram, Advocate.

For the Opposite Party/s : Mr. Dr. Ravindra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with Basantpur
P.S. Case No. 89 of 2012 registered under Sections 302/34 of the
Indian Penal Code.

The case of the informant, Chandani Kumari, is that
on 20.04.2012 when she along with her Moushi, Savita Devi and
sister, Rekha, were sleeping in the room. All of sudden, she woke
up when the legs of Savita Devi touched on her body then she saw
that petitioner was putting cloths in the mouth of Savita Devi and
co-accused, Sharma Prasad was present there with dagger. When
informant ried to pull out the cloth from the mouth Savita Devi
then petitioner assaulted her and threatened to dire consequences.

At that time, co-accused, Sharma Prasad cut the neck of Svita Devi by dagger. Rajbanshi Prasad, father of Sharma Prasad was also present at the place of occurrence. The informant further alleged that occurrence took place due to land dispute.

Learned counsel for the petitioner submits that petitioner and the informant are co-villagers and due to land dispute petitioner has falsely been implicated in this case. Moreover, Rajbanshi Prasad, father of co-accused, Sharma Prasad, was accused in the murder of grand father of the petitioner so no question arises about participation of the petitioner in the alleged offence with Rajbanshi Prasad as alleged in the F.I.R. It is further submitted that petitioner is in custody since 19.08.2015.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, connection with Basantpur P.S. Case No. 89 of 2012. Out of two sureties, one surety must be the close relative of the petitioner.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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