

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23253 of 2016

Arising Out of PS.Case No. -202 Year- 2015 Thana -KAKO District- JEHANABAD

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Nawal Yadav S/o Sri Suresh Yadav Resident of Village - Pahal Bigha, P.S.
- Kako, District - Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar -Manglam

For the Opposite Party/s : Mr. Awadhesh Kumar Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioner and counsel

for the State.

The petitioner is apprehending his arrest in a case registered for offences punishable under Sections 147, 148, 341, 323, 307, 325 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that for a dispute with regard to projecting shed on the window, the petitioner resorted to fire causing injury to the left thigh of the brother of the Informant. Meanwhile, the nephew of the Informant namely Nitish Kumar came to rescue then he was also assaulted by Kamlesh Prasad by iron rod. It appears that subsequently, the brother of the Informant succumbed to the injuries.

Learned counsel for the petitioner has submitted that the brother of the Informant has died after seven days of the occurrence. Hence it cannot be said that he died due to the injury caused by the petitioner. The petitioner is the agnate of the Informant and in the background of bonafide land dispute, the occurrence took place.

The aforesaid facts constitute ground for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Kako P.S. Case No. 202 of 2015, pending in the Court of learned Additional Chief Judicial Magistrate, IV, Jehanabad.

With the aforesaid observation, the application is disposed of.

(Dinesh Kumar Singh, J)

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