

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35405 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -KAUAKOL District- NAWADA

- =====
1. Harischandra Prasad @ Harish Chandra Prasad, Son of Ramashish Yadav
 2. Ramashish Yadav, Son of Crinandan Yadav, Both are residents of Village - Lohasinghani, P.S. - Kawakole, District : - Nawada.
- Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioners : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party : Mr. Sri Nityanand (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-08-2017 The learned counsel for the petitioners submits that petitioner no.2 Ramashish Yadav has already been arrested and, as such, his prayer for pre-arrest bail has become infructuous and permission has been sought to withdraw his prayer for pre-arrest bail. Accordingly, the prayer of pre-arrest bail of the petitioner no.2 Ramashish Yadav is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehend his arrest in connection with Kawakola P.S. Case No. 42 of 2017, registered for the offences punishable under Sections 147, 149, 323, 324,325, 307, 379, 504, 506 of the Indian Penal Code.

The allegation against the petitioner no.1 is that he opened fire with pistol on the son of the informant, but it was misfired and then he assaulted the son of the informant with *butt*



of the pistol on his head.

Submission is of false implication and that there is case and counter case, this case is counterblast of earlier case lodged by Ramashish Yadav, this case has been lodged after much delay. The petitioner Harishchandra Prasad is government employee and is Railway employee, he was not present at the time of occurrence but with oblique motive he has been made accused in this case, no fire arm injury has been caused to any one and, as such, the petitioner deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, the petitioner (Harischandra Prasad @ Harish Chandra Prasad) in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Kawakola P.S. Case No. 42 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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