

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23623 of 2018

Arising Out of PS. Case No.-745 Year-2017 Thana- HILSA District- Nalanda

Manoj Prasad, Son of Saryug Prasad, Resident of Village- Parwalpur, P.S.-
Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-05-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 379, 354B, 506, 504 and 307 of the IPC and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 20.11.2017, submitted by Baby Devi addressed to the Station House Officer, Hilsa Police Station to the effect that on 20.11.2017 at 6.00 A.M., the FIR named accused persons, including the petitioner and some unknown co-villagers blocked the pathway of the informant since he had some hot exchange with the husband of the informant. The accused persons abused the informant's husband and when the informant protested, co-accused Satyendra Prasad caught hold of the



pigtail of the informant and tried to outrage her modesty, upon which the informant tried to escape from the scene, when co-accused, Pawan Kumar caught hold of her and Vikash Kumar snatched both earrings and gold chain of the informant. It is further alleged that co-accused Amit Kumar fired with rifle which hit on the right knee of the informant, as a result, she fell down. On alarm being raised, the villagers came and took her to Hilsa Hospital for providing medical assistance, but the accused persons made attempt to obstruct them from doing so. Co-accused Ranjeet Kumar fired from the gun which hit the husband of the informant on the abdomen, as a result he fell down and became unconscious. Though, firing was also made by the petitioner Manoj Prasad on the husband of the informant, but his firing did not hit him.

It is submitted by learned counsel for the petitioner that the occurrence took place in the background of petty dispute with regard to putting straw on the road. Admittedly, the firing made by the petitioner did not hit any one and no arms has been recovered from the petitioner. Similarly situated co-accused Surendra Prasad has been granted privilege of anticipatory bail by this Court vide Cr. Misc. No. 19886 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is



not having any criminal antecedent.

Learned APP submits that the accusation of firing has also been levelled against the petitioner, but his firing did not hit anyone.

Considering the genesis of occurrence, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Assistant Chief Judicial Magistrate, Hilsa in connection with Hilsa P.S. Case No. 745 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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