

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.72754 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- BIHIA District- Bhojpur

Vijay Prasad, Son of Shiv Shankar Prasad, Resident of Village- Benwaliya,
P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-12-2018 The petitioner seeks bail in anticipation of his

arrest in connection with Bihiya P.S. Case No. 72 of 2018,

dated 06.03.2018, instituted for the offences under Sections

341, 307 and 504/34 of the Indian Penal Code and Section

27 of the Arms Act.

The petitioner along with his two brothers came to

the house of the informant in the night and on the orders of



the petitioner and others, Bindyachal Prasad, who is one of the brothers of the petitioner, opened fire from his pistol hitting the informant.

The learned counsel for the petitioner has drawn the attention of this Court to a couple of facts, *viz.*, (a) the injuries suffered by the informant is simple in nature, (b) the petitioner and his two brothers have been made accused in a concerted manner by the informant, (c) that earlier, the wife of one of the agnates of the informant had filed a case against the petitioner and others, which on investigation was found to be false and the police has recommended for prosecution of the informant in that case under Section 182 and 211 of the I.P.C. and (d) that the only case which has been lodged against the petitioner apart from the present case is the one in which the informant is a close relative of the informant of the present case.

This Court has also been informed that aforesaid Bindyachal Prasad, who is alleged to have opened fire on the informant, has been granted regular bail by this Court.

Regard being had to the aforesaid facts as also



taking into account that there could be possibility of the informant making attempts to implicate the entire family of the petitioner, the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-Vth, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 72 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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