

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65578 of 2018

Arising Out of PS.Case No. -262 Year- 2018 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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Bindeshwar Prasad @ Bineshwar Prasad Yadav, age about 76 years, S/O
Late Ram Keshwar Prasad, R/V- Nehusa Bigha, P.O. Nehusa, P.S. Harnaut,
District-Nalanda at Bihar Sharif..... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey, Advocate.

For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-10-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 307, 379, 354 and
504/34 of the IPC.

The prosecution story, in brief, is that the petitioner
and others called the informant on the road and with intention to
kill him, co-accused Subhash Yadav wrapped *Gamchha* in his
neck, Pappu Yadav shut his eyes, Ram Pravesh Yadav and
Bindeshwar Prasad @ Bineshwar Prasad Yadav (petitioner)
having rod brutally assaulted on his back and leg, co-accused
Surendra took Rs. 10,000/- from the pocket and they threatened
him to withdraw the case otherwise all family members will be
killed.



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. There is admitted land dispute between the parties. A title suit is also pending between the parties in the court below.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Biharsharif, in connection with Harnaut P.S. Case No. 262 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)