

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4985 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- MASHRAK District- Saran

Shambhu Prasad @ Shambhu Nath Singh son of Late Raj Bansi Prasad
Permanent Resident of Village- Bahrauli Kunwar Tola , P.S.- Mashrakh,
Distt.- Saran, Presently Residing at Gujaini, Kanpur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Avanish Kumar Singh, Adv. Mr. K.D. Naraya, Adv.
For the State	:	Mr. Ramchandra Sahni, A.P.P.
For the Informant	:	Mr. Saptashwa Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-03-2019 This is an application for grant of anticipatory bail in connection with Mashrakh P.S. Case No. 95 of 2018, disclosing offences under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation as per F.I.R. is that while the informant was going along with his son and brother and then the petitioner and others came on motorcycle and there is allegation against one Vijay Kumar is of firing causing injury on the head of the deceased and allegation against this petitioner causing injury on the shoulder and thereafter the deceased succumbed to the injuries.

Submission of learned counsel for the petitioner is



that the whole allegation against the petitioner is false and concocted and earlier a case under Section 498 of the I.P.C had been lodged by the daughter of the petitioner against the informant and further submission is that the petitioner is a handicapped with 45% disability, which will appear from Annexure-7, issued by the Chief Medical Officer, Kanpur and also from the Indian Railways Concession Certificate. It has also submitted that there is no independent witness has been examined.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for anticipatory bail of the petitioner stating that there is clear allegation against this petitioner is of firing on the shoulder of the deceased and there were two injuries on the person of the deceased.

Having heard both sides, in view of the facts and circumstances of the case as stated above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 6th, Chapra, in connection with Mashrakh P.S. Case



No. 95 of 2018, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure.

This is further subject to the condition that the
petitioner shall cooperate in investigation of the case.

(Vinod Kumar Sinha, J)

Amjad/-

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