

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19640 of 2019

Arising Out of PS. Case No.-82 Year-2013 Thana- GURUA District- Gaya

NITISH KUMAR @ NITISH YADAV, Son of Suresh Yadav R/o Village-
Sonahathu, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 01-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Gurua P.S. Case no. 82 of 2013, registered under Sections
147, 148, 149 and 302 of the Indian Penal Code and Section 27
of the Arms Act.

The accusation is that seven persons named in the
F.I.R., including the petitioner, having armed with rifle, gun
and revolver came at the door of the informant Kailash Yadav.
At that time, Suresh Yadav, father of the petitioner, asked to
Mallu Yadav, son of the informant, as to why he has not taken
back the name of his wife from Anganbari. In the meantime, on
the order of Suresh Yadav, petitioner shot fire at Mallu Yadav
causing injury at his left side of chest.

Learned counsel for the petitioner submits that
while petitioner is named in the F.I.R. along with with others,



but after investigation, the Police submitted Chargesheet against Suresh Yadav, father of the petitioner, and Rampravesh Yadav submitting Final Form against the petitioner and others, but the learned trial court differing with the Final Form took cognizance against the petitioner. The witnesses in paragraph Nos. 10 and 11 have stated that on arrival of Barat party, Ram Pravesh Yadav and Suresh Yadav were quarreling with Mallu Yadav, son of the informant and Ram Pravesh Yadav shot fired at him, thereafter, both fled away. Further submission is that petitioner is the son of Suresh Yadav due to that reason he has falsely been implicated in this case due to land dispute between the informant and father of the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Gurua P.S. Case No. 82 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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