

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33010 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- WAJIRGANJ District- Gaya

Nageshvar Prasad (Male), aged about 70 years, Son of Late Pragas Mahato,
Resident of Dakhin Gaon, P.S.-Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nivedita Nirvikar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 302 and 120
(b) of the Indian Penal Code.

The prosecution case in brief is that on 03.03.2019 at
about 6 PM in the evening, the uncle of the informant i.e. Amod
Kumar was returning home after closing his shop like every day.
Similarly at some distance the informant along with his uncle
Devendra Prasad and other co-villagers were also returning back
to their respective homes. It is further stated that soon after
when Amod Kumar reached near the house of Dr. Bipin Kumar,
all the accused persons caught hold of him and soon after
Nageshwar Prasad ordered to kill him. It is further alleged that



the co-accused Satyendra Kumar and Manish Chaudhary attacked him on the head with the Pasuli in their hands. It is further stated that, when Amod Kumar tried to flee away, all the accused persons held him tightly and the co-accused, Upendra Kumar cut his neck. Soon after this incident when the informant along with others present there raised his voice, all the accused persons flew away. Amod Kumar died on the spot. The informant further discloses that the reason behind the occurrence of the said incident is a past land dispute the family of the informant and the accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.03.2019. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional Chief Judicial Magistrate, Gaya, in connection with Wazirganj P.S. Case No. 67/2019, subject to the following conditions:

- (1) Bailors should be local having sufficient immovable



property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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