

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61391 of 2018

Arising Out of PS. Case No.-150 Year-2016 Thana- PANDARAK District- Patna

Krishnadev Prasad @ Krishan, S/o Jago Prasad R/o Village- Chhabilatar, P.S.
Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Sri Rajballabh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Section 302 of the IPC was also added.

The prosecution case as per the fardbeyan of Meena Devi recorded by S.I., Upasana Kumari of Agamkuan P.S. on 22.11.2016 at 6.30 P.M. at Maa Tara Hospital is to the effect that that on the same day at 2.00 P.M., all the accused persons being the agnates of the informant came and started throwing bricks on the house of the informant in the background of land dispute. The matter was pacified but all the accused persons including the petitioner again came and attacked on the house of the informant. It is alleged that the petitioner was armed with



country made pistol when co-accused Nawlesh resorted to fire which hit in the lower abdomen portion of the informant. Subsequently, the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in the present case since the petitioner the agnate of the informant and in the background of earlier land dispute, the accusation has been levelled against the petitioner. It is further submitted that the specific accusation of firing is against co-accused Nawlesh and corresponding injury has also been found on the person of the informant. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is also named in the FIR but he concedes that the specific accusation of firing is against co-accused Nawlesh and only one injury has been found during autopsy.

Considering the fact that the specific accusation of firing is against co-accused Nawlesh, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of



twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh in connection with Pandarak P.S. Case No. 150 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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