

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68885 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- ROSHANGANJ District- Gaya

Shiv Kumar Prasad @ Upendra Prasad, aged about 42 years old, Son of Krishna Deo Prasad, Resident of Village- Raniganj, P.S.- Imamganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudhir Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar Singh No.1, APP
For the Informant	:	Mr. M. Asraf, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-01-2019 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 03.07.2018 in a case registered for the offences punishable under sections 307, 120B/34 of the Indian Penal Code and 27 of the Arms Act. Subsequently, Section 302 of the I.P.C. was also added.

The prosecution case got initiated on the Fardbeyan of Meena Devi, recorded by S.I., Amardeep Kumar, SHO, Raushanganj Police Station on 01.06.2018 at 02.50 P.M at Bed No.1, Emergency Ward of ANMCH, Gaya to the effect that on the same day, the husband of the informant namely, Shyam Narayan Prasad went to the Court in connection with land dispute, but at about 11.30 A.M., the informant received



information that someone has shot at him. Thereafter, she came to ANMCH, Gaya, where she found her husband lying on a bed. It is alleged that there is a pending land dispute between the informant's side and the petitioner's side and earlier also a case was lodged against the petitioner's side, hence, she suspects that the FIR named accused persons have killed the husband of the informant.

It is submitted by learned counsel for the petitioner that admittedly the informant is not an eye witness to the occurrence and in earlier case, being Imamganj P.S. Case No. 46 of 2017, the petitioner was not sent up for trial, however, in other case, being Imamganj P.S. Case No.199/2016, the petitioner is on bail. During course of investigation, two witnesses whose statements have been recorded in paragraph nos. 6 and 7 of the case diary, have not identified the assailant. However, they have stated that two persons came on a motorcycle and shot at the husband of the informant. The statement of the son and sister of the informant's husband were recorded in paragraph nos. 51 and 52 of the case diary, wherein, they have only raised suspicion on the basis of the earlier land dispute.

It is submitted by learned APP for the State after



going through the case diary as well as learned counsel for the informant that, though there is no eye witness to the occurrence, but since there was land dispute from before, the accused persons used to threaten the husband of the informant, hence, it is suspected that the petitioners have participated in the occurrence.

Considering the accusation merely based on circumstantial evidence, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sherghati at Gaya, in connection with Raushanganj P.S. Case No.79 of 2018.

(Dinesh Kumar Singh, J)

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