

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74854 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- ASHTHAWAN District- Nalanda

Mukesh Kumar Son of Puna Yadav Resident of Village - Asthawan, P.S.-
Asthawan, Distt - Nalanda, Biharsharif.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 11-12-2019 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, 341, 323, 325,
307, 504 & 506 of the Indian Penal Code.

While the informant was sitting at his door, seven
named accused persons armed with firearm etc. descending
there slated him and on protest on the exhortation of Vijay
Yadav, all the accused resorted indiscriminate firing inflicting
injury to the brother of the informant and his nephew over land
dispute.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence.



He has been falsely implicated in this case due to land dispute. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Victim has not sustained any firearm injury in the occurrence as per the report of the P.H.C. Asthawan who has given the injury report at the first instance after examining the victim. The injury found on the person of the brother of the informant is simple in nature caused by hard and blunt substance while two injuries found on the nephew of the informant. Injury no.1 is on the thigh caused by the hard and blunt substance, but the nature of the injury has not been opined by the doctor. Injury no.2 i.e. on index finger opined by the doctor as grievous in nature and the opinion regarding weapon used in inflicting the said injury has not been given by the doctor, albeit the said injury is lacerated wound. But in contradiction P.M.C.H. has reported the injury inflicted on the thigh of the nephew of the informant caused by firearm which creates serious doubt about the prosecution case. There is land dispute between the parties and a proceeding under Section 144 Cr.P.C. is pending between them. The informant has given an undertaking that he will remove his gumti and the bamboo which he has put on the land in question and the entire occurrence has taken place for the said reason. Co-accused,



namely, Manna Lal Sao @ Manna Lal has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 04.12.2019 passed in Cr. Misc. No. 55856 of 2019. The petitioner has been languishing in custody since 30.09.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 Additional Chief Judicial Magistrate-VI, Nalanda at Biharsharif in connection with Asthawan P.S. Case No.133 of 2019.

(Prakash Chandra Jaiswal, J)

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