

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83605 of 2019**

Arising Out of PS. Case No.-353 Year-2019 Thana- MINAPUR District- Muzaffarpur

NEWALAL PRASAD @ NEVLAL PRASAD Son of Late Faguni Prasad
Resident of Village- Kharhar, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar
For the Opposite Party/s : Mr.Murli Dhar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 17-12-2019 Heard both sides.

The petitioner seeks bail in Minapur P.S. case No. 353/2019 registered under Section 341, 326, 307, 302, 120B of the IPC and u/s 27 of Arms Act.

The informant named altogether 13 persons in the FIR and disclosed that Manoj Prasad had gone to jail for his illegal activities. He was threatening to kill Dip Narayan Prasad. Manoj Prasad was suspected that it was Dip Narayan Prasad who got him arrested in the case. It is further alleged that Dip Narayan Prasad went to Muzaffarpur. The grand father of the informant disclosed the facts that Sunil Kumar, Sushil Prasad and Shailendra Prasad @ Munna went towards Muzaffarpur on a motor cycle. Brother-in-law of Manoj Prasad, son of Ramvrit and his nephew, Shailendra, were whispering to kill uncle of the



informant. On such information, the informant also followed on a motor cycle along with his uncle Sonelal Prasad. Sunil Kumar made discriminate firing on the head of his uncle and his uncle fell down on the ground. Raja Sharma and Shatrughan also got injuries.

The learned counsel for the petitioner submits that save and except the fact that name of the petitioner figured at serial No.5 in the FIR, there is no specific allegation against the petitioner. The petitioner did not accompany Sunil Kumar who is alleged to have fired. The informant has not made any allegation that the petitioner ever threatened to kill the uncle of the informant.

It appears from perusal of the FIR that of course the petitioner is named in the FIR but no specific allegation of assault is made against the petitioner. The informant has made specific allegation that it was Sunil Kumar who made indiscriminate firing causing death of the uncle of the informant and in the firing made by Sunil Kumar Raja Sharma and Shatrughan also got injuries, who are under treatment in SKMCH.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above



named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Minapur P.S. case No. 353/2019.

(Prabhat Kumar Jha, J)

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