

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9344 of 2020

Arising Out of PS. Case No.-455 Year-2019 Thana- TAJPUR District- Samastipur

MAHAMAYA PRASAD SINGH, Son of Late Devendra Prasad Singh,
Resident of Village- Laruaa, P.S.- Tajpur Halai O.P., District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-06-2020 This case has been heard through Video Conferencing.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 323, 341, 324, 325, 307, 302, 504 and 506/34 of the Indian Penal Code.

Prosecution case is that as per FIR, petitioner alongwith other co-accused were constructing house in the share of the land of informant and as same was opposed by informant, petitioner gave an order to kill them. It is also alleged that co-accused Pankaj Kumar Singh assaulted the father of the informant on his head by axe, causing injury and he fell down on the ground. It is also alleged that uncle of the informant came for rescue to his father, he too was assaulted by co-accused



Neeraj Kumar Singh with iron rod on his head, causing injury and on hospitalization doctor has declared the father of informant dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. There is no specific allegation against the petitioner, the petitioner is only a order giver and he had not assaulted either deceased or his uncle, there is no allegation of any overt act against the petitioner. There is specific allegation to assault the father and uncle of the informant against the co-accused namely Pankaj Kumar Singh and Neeraj Kumar Singh.

Learned counsel for the petitioner further submits that there is land dispute between the parties. So far as the post-mortem report of the deceased concern that the doctor who held the post mortem opined that death caused due to haemorrhage due to head injury. The petitioner is aged about 65 years old and the petitioner has no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioner, in the event of his arrest or surrender before the court



below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 455 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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