

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11597 of 2020

Arising Out of PS. Case No.-1422 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

BIHARI PRASAD Son of Siya Prasad Sah Resident of Village - Muradpur
Dullah, P.S.- Ahiyapur, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-06-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

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

The petitioner apprehends his arrest in **Ahiyapur P.S. Case No. 1422 of 2019**, registered for the offences punishable under Sections 307, 120(B) of the Indian Penal Code and section 27 of the Arms Act.

The informant alleged that her husband had love affair with Krishna Devi. It is alleged that on 03.12.2019, the informant received phone call of her husband on which her husband told her that three persons shot him near Bakhri Chowk and fled away with their Splendor Motorcycle. He told her to come at IT Hospital. On this information, the informant rushed to the said hospital where her husband told her that the husband of Krishna Devi namely, Bihari Prasad (petitioner), Amit Kumar, Anil Rai, Arun Rai and Prince Kumar after hatching up



a criminal conspiracy shot him.

It is submitted that petitioner has been falsely implicated in this case due to long standing land dispute. The husband of the informant was accused in many cases. Both sides are Gotiyas. It is also contended that the victim/husband of the informant, in his statement before police, has not named the petitioner as the assailant which belies the prosecution case.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Muzaffarpur** in connection with **Ahiyapur P.S. Case No. 1422 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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