

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30835 of 2020

Arising Out of PS. Case No.-61 Year-2020 Thana- GAUTAMBUDHNAGAR District- Siwan

SUBHASH PRASAD @ SUBASH PRASAD Son of Late Satyadev Prasad
Resident of Village - Sahsa, Police Station - Bhagwanpur, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-12-2020 Heard both sides.

The petitioner apprehends his arrest in G. B. Nagar P.S. case No. 61/2020 registered under Section 147, 148, 149, 323, 341, 307, 302, 504, 506, 366 of the IPC and u/s 27 of the Arms Act.

The informant alleged that while he along with his dance party was performing on the stage at 2.30 in the night, Anand Singh, Rahul Shrivastava, Gulfam and Subhash Prasad, the petitioner, along with 2-3 other unknown persons came there on a Bolero vehicle. Anand Singh came on the stage and caught hold of his daughter Jyoti Kumari, who was performing on the stage. When Raja Kumar and Pravin Kumar @ Kallu Singh, sons of the informant, protested the accused persons made indiscriminate firing in which Raja Kumar and Pravin Kumar



got multiple fire arm injuries. During the course of treatment, Raja Kumar died and Pravin Kumar @ Kallu Singh is under treatment in PMCH, Patna.

The learned counsel for the petitioner submits that Jyoti Kumari got her statement recorded u/s 164 of the Cr. P.C. and she disclosed that she married with Anand Singh and she is living separately from his father. Her sister informed her that somebody fired at her brothers but it appears that informant and other two injured made specific allegation that petitioner and other accused persons made indiscriminate firing in which Raja Kumar, one of the sons of the informant, died and another son is under treatment in PMCH. It also appears that accused persons are trying to tamper with the evidence by getting the statement of Jyoti Kumar recorded u/s 164 of the Cr. P. C.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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