

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73070 of 2019

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

MANOJ PRASAD, aged about 37 years, Male, Son of Sri Ram Prit Prasad,
Resident of Village - Kharhar, P.S.- Minapur, District- Muzaffarpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : M/s Ajay Kumar Thakur & Ritwaj Ranjan, Adv.
For the State : Mr. A.M.P. Mehta, APP
For the Informant : Mr. Ravi Ranjan, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner, the learned
counsel for the informant and learned Additional Public
Prosecutor for the state.

The petitioner seeks bail in connection with Minapur
P.S. Case No. 353 of 2019, registered under Sections 341, 326,
307, 302 and 120B of the Indian Penal Code and 27 of the Arms
Act.

The accusation is that Manoj Prasad, present Sarpanch
of Koilwar Panchayat, had gone before 4-5 days in jail in
connection with illicit liquor business and at the time of
proceeding to jail he had asked to his family members to
commit the murder of Deep Narain Prasad, uncle of the
informant, Pappu Prasad, as on his instigation, he has been
apprehended by the police. Since, then, Pramod Prasad,



Shailendra Prasad, Sushil Prasad, Ram Chandra Prasad, Newa Lal Prasad, Sanjay Prasad, Ram Prit Prasad, Ram Sakal Prasad, Satyendra Prasad, Arvind Prasad, Sita Ram Prasad, Ratan Kumar, Mantoj Prasad and Manoj Prasad started to give threatening to his uncle, Deep Narain Prasad. On 02.07.2019, Deep Narain Prasad, uncle of the informant, Pappu Prasad for Muzaffarpur boarding on motorcycle with Raja Sharma, then, aforesaid persons informed to Sushil Prasad, brother-in-law of Manoj Prasad about movement of Deep Narain Prasad with direction to shot fire. Thereafter, Sushil Prasad and Shailendra Prasad proceeded boarding on motorcycle for committing murder of Deep Narain Prasad. At that time, grand-father of informant, Pappu Prasad, informed about the said development, then, he also proceeded to that direction and saw near Maksoodpur Brick Kiln that Sushil Prasad fired through pistol causing injury on the head of his uncle, Deep Narain Prasad, who fell down there and, thereafter, he was rushed to Shri Krishna Medical College and Hospital, Muzaffarpur, for treatment where he died.

Submission is that it would appear from the first information report that and the whole case diary up-to paragraph 115 that at the time of occurrence the petitioner was in jail and



mere on suspicion and dirty politics the petitioner has been implicated in this case with the aid of Section 120B of the Indian Penal Code. The petitioner is in custody since 05.07.2019.

Learned counsel appearing on behalf of the informant, assisted by learned Additional Public Prosecutor for the State, submits that on perusal of the whole case diary, it would appear that petitioner while was in jail at the time of occurrence, but, he was the main conspirator of the occurrence.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Minapur P.S. Case No. 353 of 2019 to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur.

(Rajendra Kumar Mishra, J)

Shamshad/-

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