

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77314 of 2019**

Arising Out of PS. Case No.-412 Year-2018 Thana- ISLAMPUR District- Nalanda

KISHORE PRASAD Son of Bhagwan Das Resident of Village- Dahaur
Bigha, Police Station- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Choubey Jawahar

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

4 16-03-2020 Heard both sides.

The petitioner seeks bail in Islampur P.S. case No. 412 of 2018 registered under Section 147, 148, 149, 302 of the Indian Penal Code and u/s 27 of the Arms Act.

The informant, son of the deceased, alleged that Dilip Mukhiya and Krishna Ballav Prasad, having armed with gun, came to his Darwaja. Dilip Mukhiya handed over gun to Mukesh, son of Kishore Prasad, the petitioner, and on the order of the petitioner and others Mukesh fired gun on the chest of the father of the informant.

The learned counsel for the petitioner submits that there is allegation against eight persons that they surrounded the deceased but the informant, who claimed to be eye witness of the occurrence, did not allege that petitioner even touched the body of the deceased. There is specific allegation against Mukesh that he fired from his gun causing injury in the chest of the deceased. The deceased got only one fire arm injury. The petitioner being order giver is in jail since 22.06.2019.



The learned APP and the learned counsel for the informant, however, opposed the prayer for bail but submitted that only allegation against the petitioner that petitioner is order giver and he is said to have surrounded the deceased along with other accused persons.

It appears that petitioner is, of course, named in the FIR but there is no allegation of even touching the deceased against the petitioner. Assailant of the deceased is Mukesh, who is son of the petitioner. The petitioner being an order giver has already remained in jail for about nine months.

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 Additional Chief Judicial Magistrate III, Hilsa, Nalanda in connection with Islampur P.S. case No. 412 of 2018.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

