

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83562 of 2019**

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

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RAMCHANDRA PRASAD Son of Late Faguni Prasad Resident of Village-
Kharhar ,P.S- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 18-03-2020 Heard learned counsel for the petitioner, learned APP for
the State as well as the informant.

The petitioner seeks bail in Minapur P. S. Case No. 353 of
2019 instituted for the offence under Section(s) 341, 326, 307,
302 and 120B of the Indian Penal Code and Section 27 of the
Arms Act.

The informant named altogether 13 persons in the FIR
and disclosed that Manoj Prasad had gone to jail for his illegal
activities.He was threatening to kill Dip Narayan Prasad as
Manoj Prasad was suspecting that it was Dip Narayan Prasad
who got him arrested in the case. It is further alleged that Dip
Narayan Prasad went to Muzaffarpur. The grand father of the
informant disclosed the facts that Sunil Kumar, Sushil Prasad
and Shailendra Prasad @Munna went towards Muzaffarpur on a



motor cycle. Brother-in-law of Manoj Prasad, son of Ramvrit and his nephew, Shailendra, were whispering to kill uncle of the informant. On such information, the informant also followed on a motor cycle along with his uncle Sonelal Prasad. Sunil Kumar made discriminate firing on the head of his uncle and his uncle fell down on the ground. Raja Sharma and Shatrughan also got injuries.

The learned counsel for the petitioner submits that save and except the fact that name of the petitioner figured at serial No.4 in the FIR, there is no specific allegation against the petitioner. The petitioner did not accompany Sunil Kumar who is alleged to have fired. The informant has not made any allegation that the petitioner ever threatened to kill the uncle of the informant.

It appears from perusal of the FIR that of course the petitioner is named in the FIR but no specific allegation of assault is made against the petitioner. The informant has made specific allegation that it was Sunil Kumar who made indiscriminate firing causing death of the uncle of the informant and in the firing made by Sunil Kumar, Raja Sharma and Shatrughan also got injuries, who are under treatment in SKMCH. Co-accused Manoj Prasad has also been allowed bail



in Cr. Misc. 73070 of 2019. The petitioner is in custody since 5.7.2019.

The learned APP for the State as well as the informant have opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released 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 CJM, Muzaffarpur, in connection with Minapur P. S. Case No. 353 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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