

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49474 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- MAHARAJGANJ District- Siwan

JAWAHIR PRASAD @ JAVAHAR LAL PRASAD, aged about 66 years,
Gender-Male, S/o Late Gautam Prasad, R/o Village- Baliya, P.O.- Baliya,
P.S.- Maharajganj, Distt- Siwan.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Chandra Shekhar Singh, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defect (s), as pointed out by the office, within a
period of four weeks.

The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 135 of 2022 registered for the
offence under Sections 302/34 of the I.P.C. and Section 27 of
the Arms Act.

The prosecution case, in brief, is that there is a land
dispute in between the informant and her Pattidars, namely,
Sharavan Prasad, Raj Kishore Prasad, Surendra Prasad, Jawahir
Prasad (petitioner), Birendra Prasad and Santosh Prasad for last



15 years for which case is pending in the civil court. They also threatened to kill the informant's husband, namely, Rajaram Prasad. On 02.05.2022, notice has come from the civil court to the informant's Pattidars. Thereafter, they started abusing and threatening to kill her and her family members. Her husband used to go at 4.00 P.M., in the evening at Karnpura, per day and used to return at 7-8 P.M., in the evening. On 06.05.2022 at about 4.00 P.M., in the evening, her husband went out from the house for Karnpura Bazar. At about 2.00 P.M., the informant received an information that her husband was shot dead near Tinmuhari Bharkau Inar. When the informant and other people went there then they found her husband was dead. The informant claimed that her Pattidars, namely, Sharavan Prasad, Surendra Prasad, Jawahair Prasad (petitioner), Raj Kishore Prasad, Birendra Prasad and Santosh Prasad killed her husband.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 08.05.2022. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The name of the petitioner has transpired in the present case merely on the basis



of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is admitted land dispute between the parties. The informant is not an eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Siwan, in connection with Maharajganj P.S. Case No. 135/2022.

(Sudhir Singh, J)

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