

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71795 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- NAUTAN District- Siwan

Krishna Prasad, Son Of Late Parashuram Prasad Resident Of Village -
Nautan, P.S. Nautan, District - Siwan, Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prashant Kumar
For the Opposite Party/s :	Mr. Pramod Kumar
	Mr. Ritesh Kumar
	Mr. Ramchandra Singh
	Mr. Shankar Kumar
	Mr. Radhe Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 385, 307, 504, 324, 323 of the Indian Penal Code and
Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that the petitioner was demanding extortion of Rs. One
lac from the informant in lieu of allowing him to proceed with
the construction of the house, which was objected by the father
of the petitioner on account of which, the occurrence took place
and it is alleged that petitioner assaulted the father of the
informant on head by spade causing injury, thereafter Bittu



Prasad and Suresh Prasad assaulted by lathi. Thereafter, Avinash Prasad assaulted by knife. The uncle of the informant and Nagendra Prasad assaulted Pradip Yadav by lathi, thereafter Jitendra Prasad fired in the air and threatened the villagers, who had gathered and it is next alleged that the informant saw the occurrence as he had concealed himself.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that he was witnessing the occurrence as he had concealed himself. It is next submitted that it absolutely does not stand to reason that the informant, who alleges that his father was being assaulted, did not come to his rescue being his son. It is next submitted that this ample demonstrates that informant is not an eye witness to the occurrence. It is next submitted that admittedly the dispute was relating to land on account of which, the present occurrence took place, but the informant with a view to make out a false case has alleged that extortion was being demanded. It is next submitted that the petitioner is aged about 47 years and is a person with clean antecedent and all of a sudden, he has become an extortionist on account of such



allegation. It is further submitted that from the side of the petitioner also, Nautan P. S. Case No.67 of 2020 was instituted against the side of the informant and others in which, it was alleged that on account of dispute relating to land, the occurrence took place in which, from the side of the informant several people got injured and even received grievous injury which is evident from Annexure-4 to the anticipatory bail application.

The learned counsel next submits that from perusal of the injury report of the father of the informant, it would manifest that he has received injury on head and on leg, but the injury on head is lacerated when the allegation is of causing injury by spade which is a sharp edged weapon and learned counsel next submits that even presuming what is alleged is true without admitting for the purposes of bail, then also the assault is not from the side of spade which is a sharp edged which amply demonstrates that on the spur of the moment on account of dispute relating to land, the occurrence might have taken place when petitioner is not a criminal.

Mr. Ramchandra Singh, the leaned counsel for the informant as well as the learned A.P.P. opposes the bail application, but are not able to meet the submission of the



learned counsel for the petitioner and submits that the wound is lacerated and thus, was not caused by a sharp edged weapon and also that one co-accused Bittu Kumar, who is alleged to have assaulted the father of the informant on his leg causing injury has been granted anticipatory bail by this court by order dated 14.12.2021 in Cr. Misc. No.1212 of 2021.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nautan P. S. Case No.68 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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