

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17055 of 2023

Arising Out of PS. Case No.-570 Year-2022 Thana- DHANARUA District- Patna

BIJENDRA PRASAD Son of Lakhan Yadav Resident of Village - Dubhara,
P.O.- Hadpura, P.S.- Dhanarua, District - Patna, Bihar - 804451.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Prasad, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Dhanarua P.S. Case No.570 of 2022 instituted under Sections 302/34 of the IPC and 27 of the Arms Act lodged on 21.09.2022 by the informant Babu Chandra Singh.

As per the prosecution story, when the informant along with his sons namely Munna Prasad and Lakshman Prasad were going on their Motorcycle to attend court proceeding pending before Additional Sessions Judge-1, Masaurhi in Session Trial No. 389/2018, in the meanwhile, near Sharma Gumti on N.H. 83 accused persons came and surrounded his son Munna Kumar and after enquiry about his destination at the behest of accused Bijendra Prasad, Tannu



Kumar fired at his son Munna Kumar. As he fell on the ground, Mukesh Kumar fired another shot followed by Guddu Kumar who too opened fire. Further it is alleged that there was previous enmity between both families which led the incident. When Anil Kumar and Shailesh Kumar reached there the accused persons fled away on their motorcycles. Accordingly, the FIR.

It has been alleged in the FIR that the specific allegation is against Tannu Kumar that he opened fire, killing the deceased. So far as the present petitioner is concerned allegation is of order giver.

Learned counsel for the informant on the other hand opposes the prayer for anticipatory bail stating that he was the order giver.

Considering the fact that the specific allegation is against three sons of the petitioner, namely, Tannu Kumar, Guddu Kumar and Mukesh Kumar of opening fire killing the deceased and so far as the present petitioner is concerned, allegation of order giver has been attributed to him, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dhanarua P.S. Case No.570 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Masaurhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Before parting, this Court would like to put on record its word of appreciation for Mr. Bijendra Prasad, learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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