

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60867 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BARH District- Patna

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Nageshwar Prasad, aged about 68 years, Gender-Male, son of late Hari Yadav
@ Late Hare Yadav, resident of Village Dullahpur, PS- Bind, District Nalanda
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Ms. Pronoti Singh, APP
For the Informant	:	Mr. Prem Ranjan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner; learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

2. The petitioner apprehends arrest in connection with

Barh PS Case No.98 of 2023 dated 10.02.2023, instituted under

Sections 302, 120-B/34 of the Indian Penal Code and Section 27

of the Arms Act.

3. As per prosecution case, on the alleged date of

occurrence, the informant was coming along with his father and

sister on a motorcycle and when they reached near village
Berhna by crossing the over-bridge at Konhar, six miscreants

came on two motorcycles and accosted the motorcycle of the

informant. One co-accused, Arun Yadav, pushed the motorcycle



of the informant due to which father of the informant fell down. Petitioner, Nageshwar Prasad, who is the grand-father of the informant, gave order to kill the deceased upon which co-accused, Bablu Yadav, fired upon the father of the informant due to which he died. One of the co-accused, Sanjay Yadav opened fire upon the informant which did not hit him.

4. Learned counsel for the petitioner submits that as per the allegation petitioner is the order giver. There is dispute between the parties regarding ancestral property for which partition suit is pending before the Court at Nalanda. Learned counsel further submits that co-accused, Ranjit Yadav, has been granted bail by a co-ordinate Bench of this Court by order dated 30.08.2023 passed in Cr. Misc. No. 54922 of 2023. Further submission is that petitioner is an old person having no criminal antecedent.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
ACJM, 1st, Barh, Patna, in Barh PS Case No.98 of 2023, subject
to the conditions laid down in Section 438(2) of the Code of
Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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