

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71251 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Parshuram Pathak Son Of Late Ramayan Pathak Village- Ijari Sriram, P.S.-
Buxar (M), District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-03-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in Buxar (Muffasil) P.S.
case No. 193 of 2023 instituted for the offences under Sections
302, 307, 504, 506, 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the informant
along with his nephews was going to police station to lodge a
complaint, in the meantime, the accused persons surrounded
them and fired due to which, his nephew received injury and
later succumbed to the injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. There is subsisting land dispute between the parties. At best, the petitioner is said to an order giver. General and omnibus allegation has been made against the petitioner. No specific allegation of assault is alleged against the petitioner. Specific allegation of assault is alleged against co-accused Kirtan Pathak, Happy Pathak and Ramawatar Pathak. Learned counsel for the petitioner submits that the charge has also framed in this case. The petitioner is in custody since 24.04.2023 and has five criminal antecedents. The petitioner is an old person aged about 65 years.

5. Learned A.P.P. for the State and informant has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submits that on the dictate, the co-accused persons fired at the nephew of the informant and also on the informant due to which nephew of informant sustained gun shot injury and died in course of treatment.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the fact that charge has already been framed, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Muffasil) P.S. case No. 193 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial and cooperate in the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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