

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73899 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- TELHARA District- Nalanda

Kaushlendra Prasad @ Kaushlendra Yadav Son Of Brijnandan Yadav
Resident Of Village - Ghana Bigha, Police Station - Telhara In The District Of
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 10-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Telhara P.S. Case No. 171 of 2022 dated

28.10.2022 registered for the offence/s punishable u/ss 147, 148,

149, 341, 323 and 307 of the Indian Penal Code and section 27

of the Arms Act.

4. As per the prosecution case, it is alleged that one

Navin Kumar was assaulting the informant's nephew, when the

informant along with his son tried to pacify dispute, then the



petitioner and the co-accused persons armed with lathi and danda assaulted them due to that both of them sustained injury on their head. Thereafter, the petitioner fired from his pistol due to that one co-villager of the informant namely, Shailendra Mistri sustained injury on his thigh.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The victim had filed a petition before the Judicial Magistrate 1st Class, Hilsa, Nalanda in which it has been stated that there was crowd on the place of occurrence and he could not see the accused who fired on him. The victim has also stated in his petition that there is no enmity with the petitioner. Learned counsel has further submitted that the injury is on non-vital part of the body. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the injury is grievous in nature.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees



twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Hilsa, Nalanda in connection with Telhara P.S. Case No. 171 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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