

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85864 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- PARWALPUR District- Nalanda

Shyam Prasad @ Shyam Prasad Yadav S/O Mogal Yadav R/O Village-
Fatepur (Phatepur), P.S- Parwalpur, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Parwalpur P.S. Case No. 234 of 2022, registered on 08.11.2022 for the offences under Sections 341, 323, 504, 506, 307, 338, 115/34 of the Indian Penal Code, Section 3/4 of Dowry Prohibition Act and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and his other family members, in the background of their demand of Rs.Five lakhs, opened fire on the informant and her husband, who happens to be the son of the petitioner causing firearm injury to the son of the petitioner, his informant daughter-in-law and splinter injury to the child of the informant.



4. Learned counsel for the petitioner submits that the prosecution case is completely absurd and concocted. The real version of the occurrence has been placed on record by way of a complaint petition filed by the son of the petitioner stated to be an injured, who filed Complaint Case No. 726(C) of 2022 before the learned Additional Chief Judicial Magistrate-I, Hilsa, Nalanda denying the claim of the informant that she is the wife of the son of the petitioner and from the complaint petition it is apparent that the informant and her family members were aggressors who attacked at the house of the petitioner and opened fire. The informant received the injury as the shots grazed the arm of the son of the petitioner and missed the petitioner. The informant is not the wife of the son of the petitioner and the family members of the informant were trying to forcibly put the informant in the house of the petitioner which was opposed by him and his other family members. Earlier the nephew of the petitioner was murdered by the side of the informant and under conspiracy the present case has been lodged. Further the occurrence took place on 05.11.2022 and the police came at the spot on the same day but the statement of the informant was recorded on 07.11.2022 after lapse of two days and the FIR was registered on 08.11.2022 all without any



satisfactory explanation. Learned counsel further submits that the petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the police has investigated the matter and none of the witnesses examined by the police during investigation have supported the version of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbability of the situation wherein the petitioner is said to have fired upon his own son and also considering the counter version and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Hilsa, Nalanda/concerned court in connection with Parwalpur P.S. Case No. 234 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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