

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34598 of 2016

Arising Out of PS.Case No. -65 Year- 2015 Thana -WAJIRGANJ District- GAYA

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Dilip Mistry , son of Lakhan Mistry, resident of village Barahi Bigha,
Police Station Wazirganj District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar II

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-08-2016 Heard Sri Manish Kumar No. II, learned counsel for the
petitioner and learned A.P.P.

The sole petitioner who is in custody in Wazirganj P.S.
Case No. 65 of 2015 registered for the offence under section 147,
148, 149, 341, 323, and 302 of the Indian Penal Code , has
prayed for grant of bail mainly on the ground of equality.

It was submitted that other accused persons almost in
similar situation have been granted bail by this court. By way of
referring to Annexure- 2 i.e. an order dated 3.9.2015 passed in Cr.
Misc. No. 22602 of 2015 four F.I.R. named accused persons
namely Mithlesh Yadav, Chunchun Yadav, Sanoj Yadav and
Bablu Yadav were granted bail. Similarly co -accused Mukhi
Yadav @ Mukesh Yadav was granted bail by order dated
16.10.2015 in Cr. Misc. No. 48594 of 2015. He submits that on

trivial issue one day before Holi dispute had taken place in between two villagers and thereafter the said occurrence had allegedly taken place.

Learned A.P.P. submits that there is allegation against the petitioner that he used a sharp rod however he has not disputed the fact that other co -accused persons have been granted bail.

In view of the facts and circumstances particularly the fact that other accused persons almost in similar situation have been granted bail there is no reason to detain the petitioner further. Accordingly the petitioner is directed to be released on bail. Let the petitioner Dilip Mistry be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya /concerned court in connection with Wazirganj P.S. Case No. 65 of 2015.

(Rakesh Kumar, J)

Praful/-

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