

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22586 of 2016

Arising Out of PS.Case No. -26 Year- 2011 Thana -KOTWALI District- PATNA

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Phuleshwar Yadav, S/O- Yugal Yadav, resident of Village-Maivee,
Kachhuwa, Police Station- Kusheshwar Asthan, District-Darbhangaa..

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 25-05-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence
punishable under section 396 of the Indian Penal Code.

The petitioner is named in the first information report
along with several accused persons with allegation that in the
intervening night of 22/23.1.2011, the petitioner along with
several accused persons came at the house of the informant and
committed dacoity and also killed the wife of the informant and in
that course, the informant and his sons received injury.

Submission is of false implication and that there is
old enmity between the parties due to land dispute, against the
informant, a petition was filed by co-accused Vijay Kumar Mishra



before Hon'ble the Chief Justice of Patna High Court as well as Registrar General of Patna High Court, there is case and counter case between the parties, the petitioner is resident of the district of Darbhanga whereas the alleged occurrence took place at the district Patna, during course of investigation, no local person has come forward to support the case of dacoity and the supervising authority found that it is not a case of dacoity and, accordingly, charge sheet was submitted under Section 302 I.P.C., there is no specific allegation of committing murder of the wife of the informant against the petitioner and similarly situated co-accused Vijay Kumar Mishra has been allowed bail vide Cr. Misc. No.15175 of 2011 and the petitioner, in the light of order dated 17.3.2016 passed in Cr. Misc. No.11711 of 2016, has voluntarily surrendered on 27.4.2016 and since then he is in custody.

The learned A.P.P. after going through Annexure-2, fairly submits that co-accused Vijay Kumar Mishra has already been allowed bail.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII, Civil Court, Patna in connection with Kotwali

P.S. Case No.26 of 2011, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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