

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34669 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -MAJHAHGARH District- GOPALGANJ

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1. Pundeo Yadav Son of Late Sri Yadav, R/o Village- Paithanpatti
Malikana, P.S- Majhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
28.04.2017 in connection with Majhagarh P.S. Case No.
66/2017 for offences punishable under Section 307 and other
allied Sections of the Indian Penal Code and 27 of the Arms
Act.

The prosecution case, as lodged by the informant, is
that the petitioner along with other co-accused came variously
armed with rifle and other weapons and started indiscriminate
firing. Allegation upon the petitioner is that he was a member
of the mob.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because of the land dispute between the parties and a counter-blast to the earlier case lodged by the petitioner's side bearing Majhagarh P.S. Case No. 65/17 where petitioner's side also received injuries. He submits that no overt act has been alleged to have been committed and the petitioner was a member of the mob as alleged in the First Information Report. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant and learned APP for the State oppose the prayer for bail stating therein that Majhagarh P.S. Case No. 64/17 was lodged prior to the institution of the counter-case filed by the petitioner's side and that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection



with Majhagarh P.S. Case No. 66/2017, subject to the condition that both the bailors would be close relatives of the petitioner.

(Nilu Agrawal, J)

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