IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33573 of 2018

Arising Out of PS. Case No.-119 Year-2017 Thana- BELDAUR District- Khagaria

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Shambhu Yadav S/o Shree Deo Narayan Yadav, R/o Vill.- Pirnagra, P.S.- Beldaur, District- Khagaria.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ranjeet Kumar Singh
For the Opposite Party/s : Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

2 18-06-2018 Heard learned counsels for the petitioner and the State.

The petitioner, already in custody, seeks bail in connection with Beldaur P.S.Case No. 119 of 2017 registered under Sections 323, 324, 325, 326, 341, 302 and 307/34 of the Indian penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that both sides are agnate and there is land dispute between them and on trivial issue of keeping aside the maize produce over the road, occurrence is alleged to have taken place though the allegation against the petitioner is of opening firearm but no injury was caused to anyone and also there is no recovery of any firearm. However, the specific allegation against the petitioner is of assaulting Nawal Kumar Yadav (informant) and Tuntun Yadav and both sustained only one injury that too simple in nature and the allegation of giving spade blow over the head of Kailu

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Yadav is against Gautam Yadav and Kailu Yadav due to that assault is said to have succumbed to injury but there is no allegation against the petitioner of assaulting Kailu Yadav and petitioner has clean antecedent.

Having considered the aforesaid facts and circumstances as there is specific allegation of killing Kailu Yadav is against Gautam Yadav and not against this petitioner, so the petitioner, namely , Shambhu Yadav, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Khagaria in connection with Beldaur P.S. Case No. 119 of 2017.

(Arun Kumar, J)

sujit/-

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