

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38828 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -DANIYAWA District- PATNA

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Laxmi Yadav S/o Dev Charan Yadav @ Devcharan Singh, resident of
Village- Nimi, P.S.- Daniawan, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Daniawan
P.S. Case No. 40 of 2018 registered for offences punishable under
sections 147, 148, 149, 324, 307 of the Indian Penal Code and section
27 of the Arms Act.

On account of land dispute, all the eleven FIR named
accused armed with lethal weapons surrounded the informant and on
the order of co-accused Dinesh Yadav, Mithu Yadav @ Gautam Kumar
shot fire causing injury on the person of informant.

It has been submitted that on the date of occurrence, it was
the informant, who caused injury on the person of this petitioner and for
that he lodged Daniyama P.S. Case No. 39 of 2018 for the offences
under sections 147, 148, 149, 324, 307, 385 of the Indian Penal Code
and section 27 of the Arms Act against him. Further submission is that



the other co-accuseds having similar allegation who were also members of mob, have been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No.39151 of 2018. The petitioner is in custody since 15.04.2018 having clean antecedent. The case of the petitioner stands on similar footing to the case of co-accuseds, who are on bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Smt. Savita Rani, Judicial Magistrate 1st Class, Patna City, Patna in connection with Daniawan P.S. Case No. 40 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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