

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51745 of 2018

Arising Out of PS.Case No. -58 Year- 2010 Thana -MAGADH UNIVERSITY District- GAYA

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Lambooo Yadav @ Lekha Jee @ Lekha Yadav, S/o Late Ramkhelawan
Yadav, R/o Vill.- Guri, P.S.- Magadh University, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Singh, Advocate.

For the Opposite Party : Mr. Amrendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-09-2018

Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in custody since
23.05.2018 in a case for the offence registered under Sections 452,
449, 342, 307, 302, 120(B)/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 23.07.2010
at 10.30 A.M. accused persons including the petitioner came at the
Darwaja of the informant and on call, he alongwith his brother
went up on the roof of the house. Thereafter, accused persons after
breaking the *Darwaja* of the house entered into his courtyard and
started firing who caught Mukesh Yadav and shot at causing his
death. Accused persons also assaulted the informant. The cause of
occurrence is land dispute with Vijay Yadav.

It has been submitted by learned counsel for the



petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Altogether 14 persons are named in the F.I.R. The petitioner is not named in the F.I.R. His name has come in course of investigation on confessional statement of co-accused. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Other co-accused persons have been granted bail vide Cr. Misc. No. 42749 of 2011 order dated 04.01.2012 and Cr. Misc. No. 36431 of 2011 order dated 04.01.2012.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Gaya, in connection with Magadh University Case No. 58/2010.

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(Sudhir Singh, J)