

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54193 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- DANIYAWAN District- Patna

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Dinesh Yadav @ Dinesh Singh, aged about 45 Years, S/o Sri Ramji Yadav,
R/o Vill.- Nimi , P.S.- Deniyawan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner, learned counsel
for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Daniyawa P.S. Case No. 40 of 2018 registered under Sections 147,
148, 149, 324 and 307 of the Indian Penal Code and Section 27 of the
Arms Act.

The accusation is that 11 persons named in the F.I.R.
including the petitioner armed with weapon surrounded the
informant, Ram Babu Yadav. At that time, Dinesh Yadav and Mithu
Kumar started firing through rifle and pistol then informant tried to
save himself. In the meantime, on the order of petitioner, co-accused
Mithu Kumar fired through rifle, which hit at the chest of informant
then he fell down. The cause of occurrence is due to land dispute.

Learned counsel for the petitioner submits that, in fact,



informant of the present case along with others made demand of ransom Rs.100/- per day for moving of the vehicles and on hot talk firing was started and in that course the informant of the present started firing, which hit to Laxman Prasad, regarding which, Daniyawar P.S. Case No. 39 of 2018 is instituted on the basis of written statement of Laxman Yadav, but only to save skin, the present case has been lodged with false allegation. Moreover, the injury, as found on the chest of the informant is abrasion on upper middle abdominal wall, simple in nature. Mr. Manoj Kumar, learned counsel for the petitioner submitted at bar that while the petitioner is accused in three others cases, but in all three cases, he is on bail.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Patna City, Patna, in connection with Daniyawar P.S. Case No. 40 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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