

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42418 of 2018

Arising Out of PS. Case No.-80 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Shyam Lal Yadav S/o Late Ram Avtar Yadav, R/o Vill.- Buchaman, P.S.-
Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv. with
Mr. Dhananjaya Nath Tiwari, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP 153

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 31-07-2018 Heard learned Senior Counsel for the petitioner and
the State.

The petitioner is languishing in jail since 18.03.2018
in connection with Sadar P.S. Case No. 80 of 2018 registered
under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 120B
of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
the petitioner was named in the first information report only on
the basis of suspicion and it has been alleged that there had been
some dispute between the present petitioner as well as the others
and as a consequence of the dispute the petitioner and others
had killed the brother of the informant. It is, further, submitted
that there is no eye witness to the occurrence and only on the



basis of conjecture and surmises, the first information report has been lodged naming the present petitioner and others.

Diary in the present has been called for, which has been received.

Learned counsel for the State, after perusal of the case diary, submits that there is no specific allegation against the present petitioner, but, all the accused persons have been named to have entered into some quarrel on account of some land dispute and the said firing on Raju Kumar can not be attributed to the present petitioner as there is no cogent material to said effect available in the case diary.

Considering the aforesaid facts and circumstances let the petitioner, named above, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sadar P.S. Case No. 80 of 2018 to the satisfaction of the Chief Judicial Magistrate, Darbhanga, on the following conditions.

- (1) One of the bailors will be his own blood relative, preferably mother, brother, sister of the petitioner.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in



Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Shamshad/-

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