

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22950 of 2019**

Arising Out of PS. Case No.-30 Year-2019 Thana- GAYA MUFASIL District- Gaya

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DILIP MALAKAR, Son of Jairam Malakar, Resident of Village - Bhadeja,
P.S.- Mofassil, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Mufassil P.S.

Case No. 30 of 2019 for offences punishable under Sections
147, 148, 149, 307, 323, 337, 427 of the Indian Penal Code and
27 of the Arms Act.

The prosecution case as lodged by the police
personnel is that on information that two groups have resorted to
firing and assault, the police reached the place and on the basis
of names dropped by the Sarpanch, 19 persons were named in
the F.I.R. including the petitioner to have resorted to firing.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case due to village rivalry. He submits that no case of civil dispute is lodged against the petitioner and the petitioner has been made accused only on suspicion. He further submits that no case under 307 of the IPC is made out as there was no injury reported nor such allegation made in the F.I.R. The petitioner is languishing in judicial custody since 21.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of offence and materials on record as well as the fact that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Mufassil P.S. Case No. 30 of 2019, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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