

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69258 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- PALIGANJ District- Patna

RAJESH YADAV @ RAJESH KUMAR Son of Shatrudhan Yadav Resident
of Village - Ghurna Bigha, P.S.- Paliganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary Mr. Bhola Kumar
For the Opposite Party/s :		Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-12-2019 Heard learned Counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in Paliganj PS Case No. 264 of 2018 registered under Sections 447, 341, 323, 307, 504/34 of the IPC and Section 27 of the Arms Act.

As per statement in para 3 of the petition, the petitioner bears no criminal antecedent. It is submitted by the Counsel representing the petitioner that only difference between co-accused Shatrughan Yadav and Suraj Yadav, who have been allowed bail in Cr. Misc. No. 41294 of 2019, and the petitioner, is that the allegation against the petitioner is of inflicting fire arm injury on the leg of the informant. All other factors which are common to the co-accused persons have been taken into consideration in the order dated 19.9.2019 granting bail to the said two co-accused persons. This Court has taken note of the fact that due to subsisting land dispute earlier also cases have been lodged against the petitioner. Learned APP who was



opposing the prayer for bail in that case could not point out any injury report to corroborate the accusation of assault by the accused persons by means of firearm.

Learned APP for the State opposes the prayer by submitting that there is allegation of causing fire arm injury against the petitioner.

Considering the aforesaid facts this Court is inclined to accept the submissions advanced on behalf of the petitioner. The prayer for anticipatory bail of the petitioner is allowed.

In the event of arrest or surrender before the court below within four weeks from today, 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 SDJM Danapur, Patna in Paliganj PS Case No. 264 of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:- (I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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