

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70181 of 2019

Arising Out of PS. Case No.-311 Year-2019 Thana- RAJAON District- Banka

GAURI YADAV @ GOURI SHANKAR YADAV Son of Late Goverdhan
Yadav Resident of Village- Khaira, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrawan Kumar, Sr.Adv.

Mr.Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Mrs.Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

The petitioner in the present case is seeking regular
bail in connection with Rajoun P.S. Case No.311 of 2019
registered for the offence punishable under Sections 307, 386/34
of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to land dispute. Learned counsel submits that there is
no specific allegation of firing against the petitioner.

Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case
wherein it is the submission of learned counsel for the petitioner



that the petitioner has been falsely implicated in this case alleging that he is order giver only and no overt act of firing is alleged against him, the petitioner has remained in custody since 16.07.2019 and there being a case of land dispute, the petitioner deserves regular bail at this stage, in the given facts and circumstances of the case, where it appears that in course of land dispute co-accused Mukesh Yadav had shot at one Nityanand Yadav, however there is no allegation of commission of overt act is there against this petitioner, let the petitioner above named be released on bail on completion of six months of custody on or about 16th January, 2020 on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Rajoun P.S. Case No.311 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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