

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.17394 of 2020**

Arising Out of PS. Case No.-197 Year-2018 Thana- PHULPARAS District- Madhubani

LAXMI YADAV S/o Late Digamlal Yadav R/o village- Konar, P.S.-  
Phulparas, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      23-09-2020                      Heard learned counsel for the petitioner and Ms. Madhuri  
Lata, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Phulparas P.S. Case No. 197 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 435, 452, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner had on the last date pointed out from the Police final report (Annexure-5) that after investigation the Police had found that the case against the petitioner false, thus, he was not sent up for trial but later on the learned Judicial Magistrate differed with the police report and had taken cognizance for the offences alleged and issued summons to the petitioner as well.

The petitioner has got two cases on his head in which he is



on bail. Both the cases have been lodged either by the present informant or by the wife of the informant.

This Court had called for the case diary and the same has been received. It appears on perusal thereof that though there is an allegation of firing against the petitioner on one Ramrati Devi but the doctor noticed a pea size foreign body in the right side of mandibular region and guessed that it may be pellet, which was simple in nature but in course of investigation the investigating officer verified the claim of the petitioner that on the alleged date of occurrence he was getting his treatments in the hospital of one Dr. Manoj Kumar Chaudhary who on being satisfied after verification from the hospital, the I. O. recommended that there is no sufficient material to proceed against the petitioner. The Superintendent of Police accepted the same and the petitioner was not sent up for trial.

In the given facts and circumstances, it appears that it is a case of land dispute and the police had earlier found the case untrue against the petitioner, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J., Jhanjharpur, District- Madhubani in connection with 197 of 2018, subject to the condition as laid down under Section 438(2) Cr.P.C. i.e.

- (i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

