

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37888 of 2020**

Arising Out of PS. Case No.-238 Year-2019 Thana- LAUKAHI District- Madhubani

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PRAVEEN YADAV @ PRAVEEN KUMAR @ PRAVEEN KUMAR YADAV
S/o Hare Krishna Yadav @ Harekrishna Yadav Resident of Village- Narahiya
Goath, P.S.- Laukahi, Distt- Madhubani.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 07-07-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 21.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in connection with Laukahi P.S. Case no. 238 of 2019, registered under Sections 143, 341, 342, 323, 307, 427, 448, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 19.11.2019 at about 3.00 A.M. on hearing the sound of distraction, the informant woke up then saw 11 persons named in the F.I.R., including the



petitioner, at his door, were indulged in breaking house of the informant. When informant Shambhu Yadav made protest then he was slapped and his mouth was folded. In the meantime, Bilat Yadav, father of informant, also came out from the house and made protest on which Kameshwar Yadav asked to kill thereupon, Shailendra Yadav gave Khanti blow at his head, Jaishree Yadav, uncle of informant, also came out from the house then Hare Krishna Yadav asked to kill him thereupon Prabhat Yadav fired through gun, which hit Jaishree Yadav, who fell down.

Learned counsel for the petitioner submits that due to land dispute, the occurrence of Marpit took place in which petitioner's side also sustained injury regarding which Laukahi P.S. Case No. 240 of 2019 was instituted on 21.11.2019, under Sections 143, 341, 323, 324, 307, 380, 354(A), 448, 504 and 506 of the Indian Penal Code on the basis of fardbeyan of Amola Devi, wife of co-accused Sushil Yadav. Moreover, while the petitioner is named in the F.I.R., but no specific overt act has been attributed against the petitioner. Further submission is that, in fact, petitioner was only present there due to that reason, he has falsely been implicated in this case mere on suspicion.



Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 238 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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