

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33729 of 2016

Arising Out of PS.Case No. -83 Year- 2015 Thana -MAHILA PS District- GOPALGANJ

Kamlesh Kushwaha, Son of Yogendra Kushwaha, Resident of Village -
Bairiya, P.S. Kateya, District - Gopalganj.,

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Jha,
Mr. Dhramveer, Advocates

For the Opposite Party: Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 01-09-2016 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 354B, 324 and 34 of the Indian Penal Code registered in connection with Gopalganj (Mahila) P.S. Case No. 83 of 2015.

3. It is submitted that the petitioner has been falsely implicated as there is a land dispute between the parties and the complainant has repeatedly filed various cases, including Complaint Case No. 2835 of 2013 in which the petitioner has been granted bail. It is stated that there is inordinate delay in recording the fardbeyan on 05.09.2015 for the alleged occurrence of 09.05.2015 for which FIR was instituted on 03.12.2015.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be

released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj in connection with Gopalganj (Mahila) P.S. Case No. 83 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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