

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30737 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -AMBA District- AURANGABAD

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1. Krishna Ballabh Mishra Son of late Devi Dayal Mishra Resident of
Village- Parta, Police Station Amba District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 08-08-2016

Heard the learned counsel for the petitioner and APP
for the State.

The petitioner is one of the 08 cited accuseds of
Amba P.S. case no. 28 of 2016, registered under Sections
341,147,149,323,325 307 and 379 of the Indian Penal Code. He
seeks anticipatory bail.

On perusal of the First Information Report, it appears
that a dispute relating to land exists between both the parties. On
certain facts, it is alleged, the accused persons, including the
petitioner came to the place of occurrence and three accused
persons, namely, Chunmun Kumar, Sagar Mishra and Usmendra
Mishra allegedly assaulted the informant with diverse weapons. So
far as the petitioner is concerned, the allegation of assault is not
attributed to him.

Considering the fact that the petitioner has not

assaulted the informant by any weapon and there was a land dispute between the parties, I am persuaded to extend the privilege of anticipatory bail to the petitioner.

Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, 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 the learned Chief Judicial Magistrate, Aurangabad, in connection with Amba P.S. case no. 28 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

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