

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21374 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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Makeshwar Yadav son of Late Dorik Yadav Resident of village Madhuban
P.S. Kusheshwar Asthan, District, Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Nirmal Kr. Sinha (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Kusheshwar Asthan P.S. Case No. 47 of 2016 registered for the

offences punishable under Sections 347, 353, 434 of the Indian

Penal Code.

The prosecution case, in brief, is that petitioner had

encroached the public road which had earlier been cleared and

marked in compliance of the order passed in Encroachment Case

No. 6 of 2014-15. Police had removed the encroachment from the

public road, but the petitioner again encroached the said road and

also removed the demarcation made by the officials.

It has been submitted by the counsel for the petitioner



that petitioner is innocent and no offence under Sections 347 and 353 of the Indian Penal Code is made out against him and there is a title suit pending between the petitioner and one Raj Narain Poddar and others, bearing Title Suit No. 4 of 1996. He has also filed Cr. Misc. No. 6 of 2016 before the Collector, Darbhanga. He further submits that the matter relates to land dispute and petitioner has been falsely implicated.

However, learned A.P.P. for the State submits that the First Information Report has been lodged against the petitioner by the Circle Officer for obstructing the officials in discharging their duties, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biraul, District Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 47 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that the petitioner is involved in two more cases, as such, in future, if he is found to

have indulged in similar nature of offence, learned Court below
will be at liberty to cancel his bail bonds without being prejudiced
by this order.

(Nilu Agrawal, J.)

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