

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17428 of 2016

Arising Out of PS.Case No. -296 Year- 2015 Thana -BARHARA District- PURNIA

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1. Bibhishan Yadav S/o Bijendra Yadav, Resident of village- Nipania, P.S. - Barhara, District- Purnia		Petitioner/s
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Versus

1. The State of Bihar		Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 11-05-2016 Heard the Counsel for the petitioner. No one has appeared on behalf of the State.

The sole petitioner is seeking bail in Barhara P.S. Case No. 296 of 2015 registered under Sections 341, 323 and 386/34 of the Indian Penal Code.

The prosecution case, in brief, is that on the relevant date when the informant was going to the field, the petitioner along with other co-accused arrived and demanded *rangdari*. A scuffle thereafter took place with the informant and the accused persons.

It is stated that there is serious land dispute between the parties inasmuch as a Title Suit bearing T.S. No. 272 of 2012 is pending in the Court of Sub-Judge-I, Purnea in respect of the subject land. Only few days prior to the F.I.R., the brother of the informant had also lodged similar case in which the petitioner has been granted anticipatory bail. Considering the above, two

other accused persons have been released on anticipatory bail by this Court vide order dated 10.03.2016 (Annexure-4).

Looking to the materials available and also the fact that the parties are locked in land dispute, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Purnea in Barhara P.S. Case No. 296 of 2015 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 bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, 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)

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