

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49447 of 2015

Arising Out of PS.Case No. -28 Year- 2015 Thana -BISHUNPUR District- DARBHANGA

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Naresh Yadav, Son of Ram Prasad Yadav, Resident of Mustafapur, P.S.
Bishanpur, District - Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 27-01-2016

Heard the counsel for the petitioner and the counsels

for the State and the informant.

In the present case, the petitioner is seeking bail in Bishanpur P.S. Case No. 28/2015 registered for offence punishable under Sections 341, 147, 323, 302, 307, 379, 504, 427 of the Indian Penal Code.

The petitioner earlier moved before this Court in Cr. Misc. No. 22134/2015 and vide order dated 15.06.2015 the bail of the petitioner was rejected. It appears that the dispute arose on account of construction of road as the offending party claimed that one small movable shop was standing on the public road which was denied and resisted but the offending party was insisting for removal of the shop which led to altercations and one person died. There is general and omnibus allegation against the petitioner. No

specific allegation is made against the petitioner.

Looking into the facts of the case and submissions of counsels for the parties, let the petitioner 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, Darbhanga in Bishanpur P.S. Case No. 28 of 2015, subject to the conditions that:-

- (i) one of the bailors will be a close relative of the petitioner;
- (ii) if the petitioner is found involved in similar type of case in future, the prosecution will be at liberty to file application for cancellation of bail and the court below will pass necessary order including cancellation of bail; and
- (iii) the petitioner would co-operate in the proceeding and in the event of being absent on two consecutive dates without reasonable explanation, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

(Shivaji Pandey, J)

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