

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49533 of 2017

Arising Out of PS.Case No. -259 Year- 2017 Thana -BHORE District- GOPALGANJ

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Naval Kishore Mishra	Versus	 Petitioner
The State of Bihar		 Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2017 Counsel for the petitioner and the State are present.

Petitioner is an accused in a case registered for offence under sections 341, 323, 324, 307 and 37934 IPC. FIR alleges that the petitioner and others, named in the FIR, assaulted the informant with farsa, rod and lathi and his golden chain was snatched.

Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to a land dispute giving rise to a title suit pending between the parties. There is no specific allegation against the petitioner and he is in custody since 26.8.2017. There is a case and counter case. The counter case has been instituted by the brother of the petitioner against the informant and his family members giving rise to Bhorey Police Station Case No. 260 of 2017. Counsel for the petitioner has drawn attention of the Court to the rejection order of regular bail application dated 18.9.2017 in which it has been stated that the petitioner has moved the anticipatory bail which has been rectified by order dated 20.9.2017. He submits that co accused Akhilesh Mishra against whom there is specific allegation of assault with Farsa on the head of the informant has been granted anticipatory bail by the court below. Petitioner is in custody since 26.8.2017.



In the facts of the case, the bail application is allowed. Let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-XII, Gopalganj in Bhore Police Station Case No. 259 of 2017 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(c) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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