

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45250 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -BALIA District- BEGUSARAI

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Subodh Yadav Son of Late Halkhori Yadav, Resident of Village-Tulsi tola,
P.S.-Balua, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sudhanshu Kumar Lal, Advocate

For the State : Mr Sakir Ahmad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-09-2017

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

Petitioner seeks bail in a case registered under
Sections 147, 148, 149, 341, 323, 326, 307 of Indian Penal Code
and Section 27 of Arms Act.

Counsel for the petitioner submits that the petitioner
has been implicated in this case owing to a land dispute between
his family and the informant party who are adjoining land owners.
It is submitted that in fact a scuffle has ensued over the laying of
foundation on the petitioner's land. Attention of the Court is
drawn that the specific allegation of assault is attributed against
co-accused Sikandar Yadav and Mithilesh Yadav. There is no
specific allegation of assault against the petitioner. It is further



submitted that in fact, brother of petitioner has received injuries. The petitioner is in custody since 23.03.2017 and prior to the instant case, there is no criminal antecedent against the petitioner.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in Balia Police Station Case No 54 of 2017 subject to the following conditions:

- (i) That 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 the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail



on the ground of misuse.

- (iv) That 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.
- (v) That 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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