

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18731 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- MURAR District- Buxar *

Kamlesh Yadav @ Kamlesh Kumar, aged about 34 years (Male), Son of
Dinesh Yadav, Resident of Village - Banjariyan, P.S.- Murar, District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 354-B, 504 and 34 of the Indian
Penal Code registered in connection with Murar P.S. Case No. 04 of
2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of Encroachment Case No. 01 of 2017-18
filed by the father of the petitioner in connection with encroachment
of the Government land by the informant. There is delay in
instituting the FIR on 18.01.2019 for the alleged occurrence of
17.01.2019. Even according to the averments made in the FIR,
ingredients of Section 354(B) of the IPC are not made. The petitioner
claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest
or surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of like amount each to the satisfaction of learned



Chief Judicial Magistrate, Buxar in connection with Murar P.S. Case No. 04 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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