

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7223 of 2020**

Arising Out of PS. Case No.-107 Year-2019 Thana- TILAUTHU District- Rohtas

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RAMANUJ UPADHYAY Son of Late Ramadhar Upadhyay Resident of
Village- Bhadokhara, P.S.- Tilauthu, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Hari Mohan Tripathi, Advocate

For the Opposite Party/s : Ms Renuka Ratnakar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 **04-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Petitioner apprehends arrest in connection with Talauthu Police Station (for brevity, *PS*) Case No 107 of 2019 instituted for the offence punishable under Section(s) 341, 323, 354, 354B, 427, 379, 504, 506/34 of Indian Penal Code.



The first information report (for brevity, *FIR*) is lodged that while the informant was inspecting her maize crops, the petitioner, along with others, has assaulted her as well as her mother, when she intervened.

The allegation is that the petitioner is forcibly trying to assert his right on the informant's land.

Petitioner's counsel submits that the petitioner is innocent. Informant and the petitioner are "Gotiyas" and prosecution case is lodged to settle the civil dispute relating to title of the land in question which the petitioner, as per allegation in the *FIR*, at some point of time, had acquired from the ancestor of the informant. There is case and counter case in relation to the occurrence. Paragraph 18 of the case diary shows that the alleged injuries, sustained by the informant, is simple in nature.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall 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, Rohtas, Sasaram in connection with Tilauthu PS Case No 107 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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 petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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