

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20383 of 2020

Arising Out of PS. Case No.-45 Year-2019 Thana- PARBATTa District- Bhagalpur

1. Madho Mandal @ Madho @ Mahadev Mandal Son of Late Lakshman Mandal Resident of Village-Nayatola Borwa, P.S.-Parbatta, District-Bhagalpur.
2. Kalai Mandal @ Kalai @ Anmol Mandal Son of Late Lakshman Mandal Resident of Village-Nayatola Borwa, P.S.-Parbatta, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mrs. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical court proceeding is non-functional due to the present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the petitioners undertakes to remove the defects within three weeks of the resumption of the physical Court proceedings.

In case of non-removal of the defects, the



office shall place the matter before the bench.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354(B), 379, 504, 34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Budhan Mandal is to the effect that on 02.07.2019 at 1:00 P.M., the government Amin was measuring a land for which there was a dispute between Shankar Mandal and Chunni Mandal. The Amin asked for fixing a brick at the measure point but the co-accused Shekhar mandal started putting a pilor on the said place, which was protested by the father of the informant whereupon, co-accused Shankar Mandal, Shiv Mandal, Kalai Mandal and Madho Mandal, the petitioners assaulted to the father of the informant and they also tore the clothes of the wife of the informant and took away cash amount of Rs.



50,000/- from the house of the informant, leading to registration of the present case.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation of assault has been levelled. Moreover, the injuries have been found simple in nature.

A statement has been made in para 3 of the petition that petitioners are not having any criminal antecedent.

Learned A.P.P. submits that petitioners are named in the F.I.R and the accusation of assault is against the petitioners.

Considering the genesis of the accusation being land dispute and the injuries being found superficial, simple in nature, coupled with the fact that petitioners are not having any criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a



period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate, 3rd, Naugachia, Bhagalpur in connection with Parbatta P.S. Case No. 45 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 3rd, Naugachia, Bhagalpur in connection with Parbatta P.S. Case No. 45 of 2019



including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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