

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24440 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- KATORIYA District- Banka

1. MAHABIR YADAV Son of Sri Dhano Yadav Resident of Village - Bagra, Police Station - Chandan, District - Banka.
2. Hriday Yadav @ Hriday Nand Yadav @ Hridayanand Yadav Son of Sri Dhano Yadav Resident of Village - Bagra, Police Station - Chandan, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard Mr. Ajay Mukherjee, learned counsel for the petitioners and Smt. Pushpa Sinha 2, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Katoriya P.S. Case No. 18 of 2020 registered for the offences punishable under Sections 147, 182, 186, 353 and 188 of the Indian Penal Code 1860.

The allegation against the petitioners as per the First Information Report lodged by the Informant Rajesh Kumar, SHO Katoriya Police Station is that while he along with other Police personnel was on duty, he saw total chaos on the road and upon enquiry, he found that a bus bearing registration No.



JH14R-2982 was standing in middle of the road awaiting for passengers and when the informant tried to remove the bus, the petitioners who are the joint owners of the said bus along with 10-15 drivers came and protested against the Police personnel demanding a bus stand. It has also been alleged that due to obstruction created by the petitioners, the general public and pedestrian suffered a lot.

Learned counsel for the petitioners submits that the petitioners are the joint owners of the bus in question and they were not present at the place of occurrence. The bus was being driven by the driver. Learned counsel further submits that in fact the petitioner No. 2 has filed a complaint on 17.02.2020 i.e. on Monday against the Police Officials for demanding illegal gratification from him, and on refusal of the said demand, a false case has been lodged by the Police against the petitioners. Learned counsel also submits that the Police personnel also punctured the bus owned by the petitioners. Learned counsel also submits that the petitioners have got no criminal antecedents.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the petitioners have got no criminal antecedent, I am



inclined to grant anticipatory bail to the petitioners subject to the condition that they shall not commit any offence similar to the offence for which they are accused in the present case.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Katoriya P.S. Case No. 18 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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