

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26127 of 2020

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA P.S. District- Banka

BIJOY YADAV Son of Hari Yadav Resident of Village- Tilkhapar, P.S.-
Banka, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brij Nandad Prasad, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **14-10-2020** 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 Banka (Mahila) Police Station (for brevity, PS) Case No 6 of 2020 instituted for the offence punishable under Section (s) 341, 323, 354B of Indian Penal Code (for brevity, *IPC*).



Prosecution case is that while the informant was on her way, petitioner has caught hold from behind and pushed her on the ground with malintention.

Petitioner's counsel submits that case is based on subsisting land dispute between the parties. Occurrence is said to be dated 01.02.2020, first information report, however, has been lodged on 14.02.2020. The allegations do not constitute the offence under Section 354B of IPC. Petitioner and informant are neighbours. Petitioner bears no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, 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 Sub Divisional Judicial Magistrate, Banka in Banka (Mahila) PS Case No 6 of 2020 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 she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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