

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22780 of 2020

Arising Out of PS. Case No.-352 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

BATO @ BATESHWAR MANDAL Son of Late Kishun Mandal Resident of
Village- Digghi, P.S.- Madhusudanpur (Nathnagar), Distt- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-09-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

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

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Mojahidpur (Babargani) PS Case No. 352 of 2019 registered under Sections 341, 323, 324, 307, 354(A), 504, 427, 448 and 506/34 of the IPC.

The informant has alleged that the petitioner and other co-accused persons variously armed have arrived at his house and indiscriminately assaulted him and his family members. Against the petitioner there is allegation of iron rod blow on the informant's head.

Learned Counsel for the petitioner submits that there is pre-existing land dispute between the prosecution party and petitioner's family. They are agnates and in fact his implication in this case is a counter blast of the earlier Mojahidpur (Babarganj) PS



Case No. 353 of 2019 lodged at the instance of the accused party. These facts have been considered by the learned Sessions Judge in the order of rejection. Even the medical evidence does not corroborate the assault attributed to the petitioner. Other co-accused have already been allowed anticipatory bail. The petitioner has no criminal antecedent.

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

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bhagalpur in Mojahidpur (Babarganj) PS Case No. 352 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as 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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