

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 23849 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- ABADPUR District- Katihar

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MD MAHBOOB MAMBER @ MD MAHABOOB ALAM S/O Mohfizuddin  
Resident of Village - Dharampur, P.S. - Abadpur, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Bhola Prasad, Advocate

For the Opposite Party/s : Mr Sanjay Kr Pandey, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      16-10-2020**                      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 Abadpur Police Station (for brevity *PS*) Case No 14 of 2020 instituted for the offence punishable under Section 147, 148, 149, 323, 341, 307, 353, 332, 333, 427, 436, 120B of Indian



Penal Code.

Prosecution case is that petitioner is one amongst the 48 named persons who have been accused indulging in vandalism and sloganeering against the policemen at the Police Station.

Petitioner's counsel submits that the petitioner's implication is without any basis and no specific allegation has been levelled against him. He bears no criminal antecedent and other accused, against whom there was similar allegation, has been allowed anticipatory bail by this Court in Cr Misc No 21131 of 2020.

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 Judicial Magistrate, 01<sup>st</sup> Class, Katihar in Abadpur PS Case No 14 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 he fails to do so on two consecutive dates, his 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)**

**M.E.H./-**

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