

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25722 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- DHANKUND District- Banka

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MD. MURSHID ANSARI @ MURSID ANSARI S/o Late Md. Safique Ansari  
Resident of Village-Milki Dostani, Police Station-Dhankund, District-  
Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee  
For the Opposite Party/s : Mr. Md. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2    15-10-2020                      Heard Mr. Ajay Mukherjee, learned counsel for  
  
the petitioner and Mr. Md. Aslam Ansari, learned APP for the  
  
State.

The petitioner seeks bail in anticipation of his  
  
arrest in connection with Dhankund P.S. Case No. 36/2020  
  
(G.R. N. 1195/2020) instituted for the offences under  
  
Sections 341, 323, 307, 354(B), 379, 504, 506 and 34 of  
  
the Indian Penal Code.

The allegation in the First Information Report is  
  
that when the informant was getting her boundary wall  
  
erected, there was an opposition and the accused persons



tried to prevent the construction of the boundary wall. The petitioner and others are said to have assaulted the informant also. The petitioner is further alleged to have tried to outrage the modesty of the informant.

Learned counsel for the petitioner has submitted that whole occurrence arose out of a dispute over the construction of a boundary wall. The other accused persons of this case have been granted bail by the court below as there was no injury on the person of the informant. The allegation pertaining to Section 354(B) of the Indian Penal Code has been introduced by the informant only to add serious colour to the case. From the perusal of the First Information Report, there does not appear to be any intention at least *prima facie* for committing such an offence. The occurrence appears to have taken place on the spur of the moment when a dispute arose about the construction of the boundary wall.

Considering the aforesaid facts and taking into account the clean antecedent of the petitioner, he is directed to be released on bail, in the event of his arrest or



surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Banka, in connection with Dhankund P.S. Case No. 36/2020 (G.R. N. 1195/2020), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

**(Ashutosh Kumar, J)**

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