

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23834 of 2020**

Arising Out of PS. Case No.-122 Year-2020 Thana- NARDIGANJ District- Nawada

Moti Yadav @ Moti Prasad, Son of Late Lakhan Yadav, Resident of Village -  
Nardiganj Tola Mirchayganj, P.S.- Nardiganj, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                                                   |
|--------------------|---|-------------------------------------------------------------------|
| For the Petitioner | : | Mr. N.K. Agrawal, Sr. Advocate<br>Mr.Sanjay Kumar Sinha, Advocate |
| For the S t a t e  | : | Mr.Aditya Narayan Singh, APP                                      |
| For the Informant  | : | Mr.Amarendra Nath Tiwary, Advocate                                |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

6      20-01-2021                      Heard Mr. N.K. Agrawal, learned Senior  
Counsel appearing for the petitioner and the learned APP for the  
State as well as the learned counsel for the informant.

The petitioner is apprehending his arrest in connection with Nardiganj P.S. Case No.122 of 2020 registered for the offence punishable under Sections 147, 149, 341, 323, 324, 307, 354(b), 379, 504, 506 of the Indian Penal Code.

Against the petitioner, there is allegation of assault by means of iron rod on the head of the informant.

It is submitted by Mr. N.K. Agrawal, learned Senior Counsel appearing for the petitioner that the informant of this case was implicated in Nardiganj P.S. Case No.119 of 2020 on 25.05.2020. Immediately thereafter, one Nardiganj P.S. Case



No.120 of 2020 was lodged against the petitioner, which the police in the investigation have already found to be false. It is further submitted that thereafter this instant case was also lodged as a sequel to the retaliatory implication of the petitioner. The petitioner has also sustained injuries. In support of the same, he has annexed the petitioner's injury report as Annexure-4.

Learned counsel for the State and the learned counsel for the informant have opposed the prayer. It is submitted that the petitioner is named accused and there is allegation of assault against him.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajiv Kumar, Judicial Magistrate, 1<sup>st</sup> Class, Nawada, in connection with Nardiganj P.S. Case No.122 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of



Criminal Procedure as also subject to 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.

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

**(Madhuresh Prasad, J)**

PNM

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

