

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30965 of 2014

Arising Out of PS.Case No. -140 Year- 2013 Thana -HUSAINGANJ District- SIWAN
=====

1. Jitendra Mishra S/o Late Surya Deo Mishra resident of village- Telathu,
P.S.- Hussainganj, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra
For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-01-2015 Heard learned counsel for the petitioner and learned

counsel representing the State.

Petitioner apprehends his arrest in connection with
Hussainganj P.S. Case No. 140 of 2013 registered for the offences
punishable under Sections 341, 323, 307, 504/34 of the Indian
Penal Code.

Allegedly, the petitioner assaulted his mother with
danda on her left thigh and further pressed her neck and ordered
Kusum Devi to assault and then Kusum Devi assaulted her. The
occurrence took place due to some land dispute.

Submission is that co-accused Kusum Devi has been
allowed pre-arrest bail, Title Partition Suit No. 160 of 1981 has
been compromised against which the petitioner has preferred title

appeal which is pending. It has further been submitted that for the occurrence of 25.6.2013 FIR has been lodged on 2.7.2013 which casts serious doubt on the prosecution story as there is no explanation for such delay in filing the FIR.

In the facts and circumstances stated above, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 140 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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