

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37881 of 2018

Arising Out of PS. Case No.-81 Year-2018 Thana- CHAINPUR District- Bhabhua (Kaimur)

Suresh Jiswal @ Suresh Jaiswal, S/o Ram Pyare Prasad Jaiswal @ Pyre Jaiswal, R/o Vill.- Hata, P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Mustaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-07-2018 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354 and 504/34 of the Indian Penal Code.

The prosecution case, as per the written report of Priya Jaiswal, submitted to the Station House Officer, Chainpur, is to the effect that on 07.04.2018 at 1 P.M., the informant was sleeping in her house. In the meantime, the petitioner, Suresh Jaiswal, came and slept on her bed and when she protested, the petitioner assaulted the informant. On alarm being raised the elder brother of the husband of the informant, Sonu Jaiswal, mother-in-law, Munni Devi and sister's-in-law(Jethani), Punam Jaiswal and Guria Jaiswal came there. Thereafter, the informant



explained to them about the behavior of the petitioner. Thereafter, the husband of the informant, Sanjay Jaiswal, came home and when he tried to resolve the issue with the petitioner, he was also assaulted.

It is further alleged that the informant tried to pacify the issue, then co-accused Punam Jaiswal, assaulted with iron rod on her head causing cut injury and sister-in-law assaulted her with knife causing cut injury on her hand.

It is submitted by the learned counsel for the petitioner that in the background of the partition dispute, the accusation has been levelled and the specific accusation of assault has been levelled against co-accused Punam Jaiswal and the Sister-in-law of the husband of the informant.

It is further submitted by the learned counsel for the petitioner that for the occurrence of 07.04.2018, at 1 P.M., the F.I.R. has been lodged on the same day at 3 P.M., but it reached to the Court of learned A.C.J.M.-II, Kaimur at Bhabua on 09.04.2018, which suggest that the F.I.R. is antedated. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that the accusation is specific against the petitioner.



Considering the fact that the accusation against the petitioner has been levelled in the background of the partition dispute coupled with the statement made in the paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond/s of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 81 of 2018, subject to the condition as laid down under Section 438(2) of Cr.P.c.

(Dinesh Kumar Singh, J)

Amrendra/-

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