

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59430 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- PIPRA District- East Champaran

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Jitendra Prasad S/o Basdeo Bhagat, resident of Village- Bharthuhia, P.S.-
Pipra, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Kumari, wife of Jitendra Prasad, resident of Village- Bharthuhia, P.S.-
Pipra, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 14-12-2018 Heard learned counsel for the petitioner, learned

Addl. Public Prosecutor for the State as well as learned counsel

for opposite party no.2.

Petitioner apprehends his arrest in connection with

Pipra P. S. case no. 61/2018 registered under sections 341, 498A

and 307/34 of the IPC.

Petitioner happens to be husband of the informant and

admittedly, prior to institution of the present case, father of the

informant had lodged case against the petitioner and his other

family members for the offences punishable under section 498A

and other sections of the IPC. However, petitioner and his other

family members were granted bail in the aforesaid case and it is



alleged that after being released on bail, petitioner, again, started torturing the informant and in that course, he threw her daughter on ground as a result whereof she sustained injury.

Submission on behalf of the petitioner is that first information report itself reflects that house of the petitioner has been occupied by the informant and, as a matter of fact, after being released from jail, petitioner and his other family members went to their house which was in possession of the informant and when they tried to enter into house, they were assaulted by the informant and her supporters for which the petitioner lodged Pipra P. S. case no. 40/2018 against the informant and others. He, further submits that so far as injury of the daughter of the informant is concerned, same appears to be simple in nature which is evident from perusal of annexure 3 to this petition.

On the other hand, learned counsel appearing for opposite party no.2 submits that there is specific allegation against the petitioner that he threw an innocent child on the ground as a result thereof she sustained serious injury on her head and, therefor, petitioner does not deserve anticipatory bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/



surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in Pipra P. S. case no. 61/2018 subject to condition as laid down under section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

s.hassan/-

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