

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23658 of 2018

Arising Out of PS.Case No. -295 Year- 2015 Thana -JAMUI District- JAMUI

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Jasim @ Jalo Mian, Son of Moahmmad Asraf, resident of Village- Kakan,
Police Station- Jamui, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 26-04-2018

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 147,
148, 302 and 201 of the Indian Penal Code.

The prosecution case as per the written report
of Pawan Kumar dated 09.11.2015 submitted to the Station
House Officer, Model P.S. Jamui, to the effect that on
08.11.2015 at 6.00 P.M. the informant was coming home after
cutting paddy crop along with his father, but on the way he was
surrounded by FIR named ten accused persons, who were all
armed with sharp cutting weapon. In the meantime, co-accused



Bambam Singh caught hold of the hand of the father of the informant and co-accused Wakil Singh pierced knife in his abdomen, thereafter, co-accused Lali Singh assaulted with knife on his face. As a result, the father of the informant fell down whereupon the accused persons discriminately assaulted him. Accused persons also assaulted the informant, but the informant anyhow escaped from the scene and raised alarm as a result the villagers reached on the spot. The petitioner is not named in the FIR but his name sprang up during investigation on the statement of hearsay witness.

It is submitted by learned counsel for the petitioner that there is specific accusation of assault against Bambam Singh, Wakil Singh and Lali Singh, though, altogether ten accused persons named in the FIR and the written report was lodged after three and half hours of the occurrence and it was registered after 24 hours of the occurrence and hence, there was no occasion for not naming the petitioner and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The investigation with regard to the petitioner has not concluded.

Learned APP, however, submits that it appears from the impugned order that the name of the petitioner



has been suggested by the witnesses.

Considering the fact that there is specific accusation against FIR named accused persons and petitioner is not named in the FIR coupled with the statement made in paragraph 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 his arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Jamui in connection with Jamui Town P.S. Case No. 295 of 2015., subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on filing affidavit that the petitioner will cooperate in the investigation. The non-cooperation in investigation will give liberty to the prosecution to file application for cancellation of bail of the petitioner.

(Dinesh Kumar Singh, J)

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