

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30606 of 2018

Arising Out of PS. Case No.-21 Year-2018 Thana- PALIGANJ District- Patna

Jitan Ram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341,323,324,379,354(A) and 504/34 of the IPC.

The prosecution case as per the written report of Chandan Paswan dated 21.1.2018 submitted to the SHO, Paliganj Police Station is to the effect that on the same day at 7.30 P.M. the informant's sister Pushpa Kumari, aged about 17 years, went to ease out, in the meantime, the petitioner caught her hand. On alarm being raised by Pushpa, her mother reached on the spot when the petitioner escaped from the scene. On the alarm, Kunal Ram and Binod Ram also came on the spot and started abusing the informant and his family members. In the meantime, cousin brother of the informant, namely, Pappu came



to pacify the issue upon which this petitioner assaulted with lathi, as a result, the informant fell unconscious. Co-accused Binod Ram assaulted the mother of the informant, namely, Sushila Devi, causing bleeding injury on her neck. The gold chain of the informant's mother was also snatched by the co-accused Kunal Ram.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of prevailing dispute between the parties. Even assuming the accusation, case under section 354(A) of the IPC is not made out and none has received any grievous injury. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petition is named in the FIR with specific accusation.

Considering the fact that the occurrence took place on 21.1.2018 at 7.30 P.M., the police received information on the same date and time whereas the case was registered on 21.1.2018 at 8.30 P.M., but it reached to the court of the learned SDJM on 23.1.2018, which clouds the bonafide of the accusation and even assuming the accusation to be true, prima facie, the commission of the offence under section 354(A) of the IPC



appears to be doubtful, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Danapur in connection with Paliganj P.S. Case No. 21 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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