

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62005 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

Jabadul Miyan @ Jabadur Miyan, Son of Late Hamid Miyan, Resident of
Village- Machhagra, P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018 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, 379, 448 and 504/34 of the IPC.

The prosecution case, as per the written report of Saiyra Begum submitted to the Station House Officer, Bagwanpur Hat Police Station, is to the effect that 14.03.2018 at about 6.00 P.M., the petitioner along with other co-accused came variously armed with sword, knife and lathi-danda and entered into the house of the informant. Thereafter, all the accused persons started abusing the informant. On protest being made, the informant was assaulted by the petitioner with sword causing head injury, whereas the daughter of the informant was also assaulted by co-accused Riyauddin Mian by a knife. It is further



alleged that the petitioner took away a box and co-accused Riyajuddin Mian snatched a jhumka and a gold chain from the neck of the daughter of the informant.

It is submitted by the learned counsel for the petitioner that for the occurrence of 14.03.2018, FIR has been lodged on 25.03.2018 which suggests that by antedating the FIR has been lodged against the petitioner. The injuries of the informant and his daughter are found to be superficial simple in nature, caused by hard and blunt substance. It is further submitted that in the background of land dispute, false case has been lodged against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP for the State that there is specific accusation against the petitioner and the petitioner is named in the FIR.

Considering the nature of assault made by a sword and injury caused, not being corroborated with the medical report, coupled with the statement made in 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.C.J.M.-II, Excise, Siwan** in connection with **Bhagwanpur Hat P.S. Case No. 73 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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