

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67597 of 2018

Arising Out of PS. Case No.-201 Year-2018 Thana- JHAJHA District- Jamui

Suresh Ram, Son of late Govind Ravidas, Resident of Village-Nawkadih
Ghughanriya, P.S. Jhajha, District- Jamui.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S.Bharat Lal, Rabindra Kumar and Niranjan
Parihar, Advocates.

For the Opposite Party : Mr. C. Choubey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 149, 341, 323, 307,
504 and 325 of the IPC.

The prosecution story, in brief, is that on 02.06.2018
at about 7.00 P.M. in the evening the informant was present at
his house. His elder brother Suresh Ram (petitioner) and other
co-accused persons Rajesh Kumar, Ramesh Kumar, Nirwa Devi,
Rinki Devi and Rabindra Das having armed with Lathi, Iron rod
and weapons came at his house and said that his wife lodged a
case in the police station and assaulted with weapons with an
intention to kill him. As a result of which, the informant



sustained injuries. When his family members came to rescue they were also assaulted by accused persons. Anyhow, the informant and his family members saved their lives.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The informant is the own brother of the petitioner. Due to petty family dispute, the alleged occurrence has taken place. A complaint case was also filed by the wife of the petitioner on 11.06.2018 which came to be registered as Jamui P.S. Case No. 314 of 2018 dated 28.08.2018 vide Annexure-2 to the present application. The injury report does not indicate whether the nature of injury is grievous or simple. In absence of such evidence, it cannot be ascertained whether offence under Section 307 of the IPC is made out or not. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Jamui, in connection with Jhajha P.S. Case No. 201 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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