

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44310 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- DANAPUR District- Patna

Sunny Jaiswal @ Vivek Kumar, s/o Vinod Jaiswal R/o Gurudwara Road, P.S.-
Danapur, District- Patna at present Khagari Road, P.S.- Danapur, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Danapur P.S. Case No.193 of 2019 for the offence punishable
under Sections 147, 148, 149, 341, 323, 379, 337, 427, 447,
504, 506 and 27 of Arms Act. .

The allegation against the petitioner as per the First
Information Report that informant used to transport
mixture/Dalmot of the petitioner for the last six years through
pick up van. It is further alleged that on the date of occurrence,
the informant loaded Dalmot of the petitioner and left for
Madhubani. On the way at about 2:00 A.M. in the night of
04.02.2019, when he reached at Mahua, some criminal



intercepted his vehicle and looted Dalmot and fled away. Informant gave this information to the petitioner and on the direction of the petitioner, he came back to Danapur. It is further alleged that on 13.02.2019, while the informant was loading goods of one Binay Jee, the petitioner called him and started abusing and assaulting and snatched his smart phone by saying that he has sold his goods. It has further been alleged that later on, the informant along with his son and friends went to the house of petitioner and enquire about the matter, they were assaulted by cousin brothers and neighbours of the petitioner. Petitioner have also ransacked the house of informant and made damage by pelting stones.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as the goods / Dalmot of the petitioner is used to be carried by the informant through his pick up van and prior to the alleged incident, his Dalmot was allegedly taken away by some unknown criminal, as informed by the informant to the petitioner.

Learned counsel for the petitioner submits that only allegation that after some time after nine days of loot of the goods of petitioner, the informant alleged that the petitioner



called the informant and started abusing and assaulting him and also pelted stones on his house.

Learned counsel for the informant is present and submits that petitioner does not deserve anticipatory bail inasmuch as one of the persons who had gone along with the informant to the house of the petitioner has subsequently been killed.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner is having the business of Dalmot which the informant use to carry and the dispute between the parties appears to be due to the goods / Dalmot of the petitioner being robbed by some criminal while the informant was carrying the same to the market and the allegation is only abusing and assaulting and pelting stones having no injuries caused to informant and others, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of learned A.C.J.M.-I,
Danapur, subject to the condition as mentioned under Section
438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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