

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65913 of 2019**

Arising Out of PS. Case No.-508 Year-2019 Thana- BHABHUA District-
Kaimur (Bhabua)

=====

SHASHIKANT TIWARI Son of Late Yamuna Tiwari Resident of Village-
Parasiya, P.S.- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Kumar Sunil, Advocate.

For the Opposite Party: Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 354, 307, 34 of the Indian Penal
Code registered in connection with Bhabua P.S. Case No. 508 of
2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of drainage dispute between the
parties who are agnates and neighbours. It is submitted that the
accusation of assault on the informant's wife and daughter are
general and omnibus against all three accused persons without
any specific assault attributed to them individually. As a matter of
fact the grievous injury suffered by the informant's wife resulted
from falling in the drain which led to the dispute. In any event
such injury is on non vital part of the body. There is no
accusation whatsoever to attract the offence under Section 354
IPC which has been added is mere embellishment. The petitioner
claims clean antecedents.



4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur (Bhabua) in connection with Bhabua P.S. Case No. 508 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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