

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84069 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- CHHATAUNI District- East Champaran

1. Madhusudhan Jaiswal Son of Rameshwar Prasad, Resident of Mohalla- Khuda Nagar, Dharma Samaj Road, Near Idgah, P.S.- Chhatauni, District- East Champaran.
2. Sanjay Jaiswal Son of Rameshwar Prasad, Resident of Mohalla- Khuda Nagar, Dharma Samaj Road, Near Idgah, P.S.- Chhatauni, District- East Champaran.
3. Hement Jaiswal Son of Rameshwar Prasad, Resident of Mohalla- Khuda Nagar, Dharma Samaj Road, Near Idgah, P.S.- Chhatauni, District- East Champaran.
4. Amar Nath Jaiswal Son of Rameshwar Prasad, Resident of Mohalla- Khuda Nagar, Dharma Samaj Road, Near Idgah, P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar,Adv.
For the State	:	Mr.Ramchandra Singh, APP
For the informant	:	Mr. Rajesh Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-06-2020 Heard learned counsel for the petitioners, learned A.P.P. and learned counsel for the informant through Video Conferencing.

The petitioners apprehend their arrest in Chhatauni P.S. Case No.114 of 2019 registered under Sections 147, 148, 149, 341,323, 324, 326, 307, 354, 379 and 452 of the Indian Penal Code.

The informant named seven accused persons



including the petitioners and alleged that on the order of Madhusudhan Jaiswal, Arun Kumar assaulted his brother Omkareshwar Dev with sword causing injury on the head of his brother. Arun Kumar gave second blow with sword on the head of his brother and Amar Nath Jaiswal (petitioner no.4) assaulted his brother with hockey stick. The other accused persons also assaulted his brother. When the informant came to save his brother, Sanjay Jaiswal (petitioner no.2) is alleged to have indiscriminately assaulted the informant with knife and other accused persons are alleged to have assaulted his brother with hockey stick. In the meantime, Hemant Jaiswal (petitioner no.3) is alleged to have assaulted the informant with hockey stick on his head. Nishi Kumari (wife of Omkareshwar Dev) came to save, Ajay Jaiswal and Ranjeet Jaiswal (not petitioners here) assaulted her with hockey stick on different parts of her body. The other accused persons also took away Rs.1,50,000/- from possession of his brother.

Learned counsel for the petitioners submits that there is a counter version being Chhatauni P.S. Case No.115 of 2019. In fact the petitioners and their family members were brutally assaulted by the informant and his family members. Omkareshwar Dev (brother of the informant) is alleged to have



been assaulted with sword by Arun Kumar but the injuries found on the person of Omkareshwar Dev are simple in nature. Amar Nath Jaiswal is alleged to have assaulted the brother of the informant with hockey stick but the injury is superficial and simple in nature. Sanjay Jaiswal is alleged to have assaulted the informant with knife and Hemant Jaiswal is alleged to have assaulted the informant with hockey stick. The informant got abrasion and scratch. Therefore, the petitioners deserve anticipatory bail.

Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that the corresponding injuries found on the persons of Omkareshwar Dev and the informant, of course, are simple in nature. Ajay Jaiswal and Ranjeet Jaiswal are alleged to have assaulted Nishi Kumari (sister-in-law of the informant and the wife of Omkareshwar Dev) and she got grievous injuries but Ajay Jaiswal and Ranjeet Jaiswal are not the petitioners in this case.

Having considered the facts aforesaid and the nature of allegations made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date



of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Chhatauni P.S. Case No.114 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

