

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42093 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- JHAJHA District- Jamui

ISHWAR SAW Son of Late Janki Saw Resident of Village - Dhiva , P.O.-
Keshopur, P.S.- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and the
State.

Petitioner apprehends arrest in a case registered for
the offence punishable under Sections 448, 341, 337, 338, 32,
307, 354A, 504, 427 and 504/34 of the IPC and $\frac{3}{4}$ of the
Prevention of witch (Daain) Practices Act.

As per the prosecution case, accusation against the
petitioner is of commission of assault as a result of which wife
of the informant sustained grievous injury.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted on behalf of the petitioner that due to
petty dispute between the parties over water logging a scuffle
took place in which the wife of the informant sustained injury.



The petitioner is own brother of the informant. There was no deliberate intention on the part of the petitioner to commit assault. Rather on spur of the moment the assault took place. Petitioner has got no criminal antecedent.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the nature of acquisition and nature of injury, prayer for bail of the petitioner is refused with direction to the petitioner to surrender and seek regular bail, which would be disposed of on its own merit without being prejudiced by this order.

(Prabhat Kumar Singh, J)

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