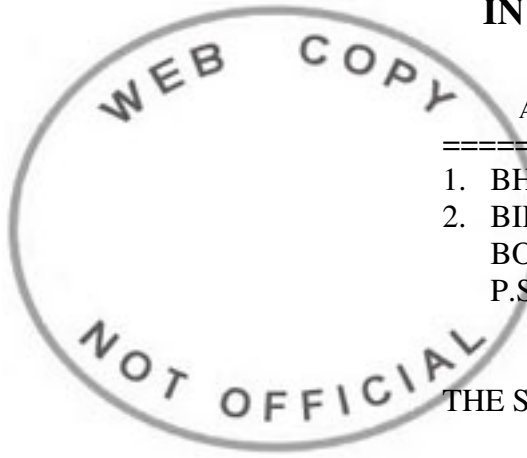




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38653 of 2014

Arising Out of PS.Case No. -57 Year- 2014 Thana -HATHUA District- GOPALGANJ

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1. BHUTI PRASAD @ RAJ BALLAM PRASAD.
2. BIRU PRASAD BOTH ARE SONS OF LATE RAMA PRASAD
BOTH ARE RESIDENT OF VILLAGE- MACHHAGAR, JAGDISH,
P.S.-HATHUA, DISTRICT- GOPALGANJ.

..... PETITIONER/S
VERSUS
THE STATE OF BIHAR OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Dhramveer, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 26-03-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

As directed injury report of all the three injured have
been filed on supplementary affidavit. After perusal of the same it
is evident that on account of non-submission of injury report
subsequently, the opinion regarding injury no.1 and 2 has not been
explained while remaining simple. Tuntun Patel had sustained
following injury:

- I.** Lacerated wound 2"x1/3" x skin deep over
right thumb X-ray (R) thumb.
- II.** Lacerated wound 1 1/3" x 1/3" x skin deep
over left hand thumb and index finger. / X-
ray (L) hand.

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- III. Swelling 2" x 2" one forehead with lacerated wound 1/3" x 1/3" x skin deep over it.
 - IV. Swelling 1"x 1" one left arm.
 - V. Swelling 2" x 2" over upper chin.

So far injury over Manju Devi is concerned, the same has been found simple. Injuries are as follows:

- I. Lacerated 2" x 1/4" x skin deep over frontal region of scalp X-ray skull.
- II. Bruise 2" x 1" over back

Nature of Injury. Opinion of Injury No.(i) kept reserved for want of X-ray report. Injury No.(ii) is simple in nature caused by hard and blunt substance.

With regard to Shankar Patel, similar situation prevailed on account of non-submission of subsequent injury report. Injury over person of Shankar Patel happens to be lacerated 2" x 1/3" x skin deep over forehead.

Parties are full brothers and on account of land dispute, it has been alleged that petitioner no.1 Bhuti Prasad gave spade blow causing injury over right thumb of Tuntun Patel. Furthermore, Bhuti Prasad also gave spade blow over head of wife of informant namely Manju Devi while Shankar Patel was assaulted by Janki Devi with *Lathi*. Petitioner Bhuti Prasad is

under custody since 13-07-2014.

Accordingly, petitioners Bhuti Prasad @ Raj Ballam Prasad is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Hathua P.S. Case No.57 of 2014.

(Aditya Kumar Trivedi, J.)

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