

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37174 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

- =====
1. Juhi Devi, Daughter of Nand Kishore Goswami.
 2. Nandani Devi, Wife of Nand Kishore Goswami, residents of village Bishanpur, P.S. Kahalgaon (Shiv Narayanpur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 15-12-2015 Heard both sides.

The petitioners apprehend their arrest in Kahalgaon (SHiv Narayanpur) P.S. Case No. 23/2015, registered for the offences punishable under Sections 379, 34 and other Sections of the Indian Penal Code. Later on, the Investigating Officer filed a petition for adding Section 304 of the Indian Penal Code.

The petitioners and two others are alleged to have assaulted the informant while he was returning to his house. Chandan Kumar Goswami, Juhi Devi (Petitioner no. 1), Nandani Devi (Petitioner no. 2) and Tunnu Kumar assaulted him with stick and rod. The informant fell down. He was brought to Pirpaity Hospital from where he was referred to Bhagalpur Medical College Hospital.

It is submitted that there is a counter version. Nandani Devi (Petitioner no. 2) filed a petition before Surpanch alleging therein that Rishi Kumar, son of Sunil Goswami pushed her grand-son and they all assaulted with fists and slaps.

It is further submitted that two swelling injuries were found on the vertebra of the deceased and the opinion was kept reserved. The doctor conducted post-mortem and found haematoma in between 5th and 6th vertebra. The nature of injury was not given. It is stated that the same can be obtained from the doctor who first treated the patient. It is further submitted that the case was compromised.

From perusal of the records, it appears that there is very specific allegation against the petitioners that they assaulted Sunil Goswami with stick and iron rod and swelling was found in between 5th and 6th vertebra on account of which the deceased died during course of treatment.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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