

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39929 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -BARHAT District- JAMUI

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1. Sonu Kumar son of Rajo Das
2. Braj Kishore Das @ Bajuki Das @ Braj Kishor Rabidas son of Late
Banbari Das, both resident of village Bishanpur, P.S. Barhat, District Jamui.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 10-07-2018 Heard both sides.

The petitioners apprehend their arrest in Barhat P.S.
Case No.44/2018 registered under Sections 307 and other allied
Sections of the Indian Penal Code.

The informant alleged that Sonu Kumar, the petitioner
no.1 and Braj Kishor Das @ Bajuki Das, the petitioner no.2
having armed with different weapons came and began to abuse.
Rajo Das assaulted the informant with axe on his head but the
blow hit on his left hand elbow. Sonu Kumar, the petitioner no.1
assaulted her with lathi and Gita Devi also came there and
assaulted the informant.

Learned counsel for the petitioners submits that there is



a counter version. Rubi Devi wife of Rajo Das lodged Barhat PS. Case No. 07/2018. Rubi Devi and others also got injuries. Learned counsel for the petitioners submits that there is no allegation of assault against Braj Kishor Das, the petitioner no.2. Sonu Kumar is alleged to have assaulted the informant Pramila Devi with lathi on her knee but the doctor of Sadar Hospital, Jamui found the injury on knee to be simple in nature but later on the same doctor on the basis of opinion given by orthopedic found injury on knee besides other injuries grievous in nature.

Taking consideration of the fact that there is no specific allegation of assault against Braj Kishor Das, the petitioner no.2 Braj Kishor Das @ Bajuki Das @ Braj Kishor Rabidas in the event of his 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 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ranjandeo, J.M.1st Class, Jamui, in connection with Barhat P.S. Case No.44/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of Sonu Kumar, the petitioner no.1 is concerned, he is alleged to have assaulted the informant Pramila



Devi with lathi on her knee and the doctor found the knee of the informant fractured. The injury is opined to be grievous in nature.

Taking into consideration the aforesaid fact, I am not inclined to enlarge the petitioner Sonu Kumar, the petitioner no.1 on anticipatory bail. Accordingly, the anticipatory bail petition of the petitioner no.1 Sonu Kumar is rejected.

(Prabhat Kumar Jha, J)

Amit/-

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