

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.200 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -RAJAULI District- NAWADA

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1. Ratan Prasad, Son of Late Tilakdhari Prasad, Resident of Village-
Dhamuchak, P.S.- Rajauli, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar
Mr. Dheeraj Kumar

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 15-01-2018 The learned counsel for the petitioner submits that in

paragraph 1 and 5, he may be permitted to add Section 302 of the

Indian Penal Code.

The learned counsel for the petitioner is permitted to

make correction in para 1 and 5 of the bail petition during the

course of the day.

Heard Mr. S.N.P. Sinha, learned senior counsel for the

petitioner and learned Additional P.P. for the State.

The informant alleged that the petitioner and three

others came who have armed with spade, sword, khanti and lathi

near his half constructed building and began to demolish the

house. The informant and his brother forbid on such, the petitioner



is alleged to have assaulted Sitaram Prasad, the elder brother of the informant with sword on his head. Shambhu Prasad assaulted Shashi Bhushan Azad with khanti on his forehead and mouth. Shashi Bhushan Azad also got grievous injury and his three teeth were uprooted.

Mr. S.N.P.Sinha, learned counsel for the petitioner submits that there is a case and counter case. The informant alleged that the petitioner assaulted the informant with sword on head but one lacerated wound was found. The first doctor opined the injury to be simple in nature caused by hard and blunt object. The post-mortem report shows that there was hematoma under the layer of skull and skull bone was also found fractured. The patient was operated and died on account of injuries in brain caused by hard and blunt object. The same is not caused by sharp edge weapon such as sword but it appears from perusal of the F.I.R. and the injury report that it was the petitioner who alone assaulted the deceased Sitaram Prasad with sword on his head. The doctor who first examined the patient found lacerated wound on left piratical region $\frac{1}{4}$ inch into skin deep. The doctor of course opined the injury simple but at the same time advised for X-ray. On X-ray, it was found that there was hematoma under the layers of head and skull bone was also found fractured. Of course, the injuries found



by hard and blunt object but it was the petitioner who is alleged to have assaulted the deceased with sword on his head. No other injury was found on any part of the deceased.

Considering the facts aforesaid that only the petitioner is alleged to have assaulted the deceased on his head, I am not inclined to enlarge the petitioner on anticipatory bail and the same is rejected. If the petitioner surrenders in the court below, the learned court below shall consider the petition for bail of the petitioner without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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