

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69012 of 2019

Arising Out of PS. Case No.-173 Year-2018 Thana- BAJPATTI District- Sitamarhi

LAL BABU RAI Son of Late Shatrudhan Rai Resident of Village - Sonmani,
P.S.- Bajpatti, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar Barnwal

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-12-2019 Heard Mrs. Nivedita Nirvikar, the learned counsel for the petitioner, Mr. Krishna Kant Singh, the learned counsel for the informant, and the learned APP.

The petitioner apprehends his arrest in Bajpatti P.S. case No. 173/2018 registered under Section 341, 323, 307, 325, 354, 379, 34 of the IPC.

The informant alleged that some quarrel took place for plucking of mango and on such Lal Babu Rai, the petitioner, Laxman Rai, Sanjay Rai and Gudu Rai, having armed with Lathi and iron rod, came. Lal Babu Rai assaulted the informant with iron rod on his head but the blow hit on the nose and mouth of the informant. The teeth of the informant were broken. Laxman Rai assaulted the wife of the informant and Sanjay Rai torn her clothes. Guddu Rai snatched ornaments from the neck of the wife of informant.

The learned counsel for the petitioner submits that the petitioner and informant are own brothers. The dispute arose on account of plucking of mango. There is no repetition of blow



and the occurrence took place in a fit of anger. The petitioner being own brother of the informant deserves anticipatory bail but the learned counsel for the informant as well as the learned APP vehemently opposed the prayer for anticipatory bail and submitted that, of course, petitioner gave single blow with iron rod but the blow was forceful which hit on the nose and mouth of informant causing fracture of left zygomatic arch with anterior and lateral border of left maxillary bone. The teeth were also uprooted.

It appears that petitioner is alleged to have given blow with iron rod on his head which hit on the nose and mouth of informant causing injury in the nose and mouth of informant and the injury is grievous in nature.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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