

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34927 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- GADHPURA District- Begusarai

ANIL CHAUDHARY Son of - Paras Chaudhary Resident of Ward No. 07,
Salauna, Saleuna Kumharso, P.S.- Garhpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K.Lal, Adv. Mr.Pritish Kumar Lal, Adv.
For the Opposite Party/s	:	Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-06-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Garhpura P.S.
Case No.128 of 2019 registered under Sections 341, 323, 307,
379, 354, 506 and 34 of the Indian Penal Code and later on,
Section 498A of the I.P.C. was also added.

The informant alleged that she was always being
tortured by her husband, father-in-law, brother-in-law(the
petitioner) and other family members. On 07.11.2019, while she
was cooking food, her brother-in-law Anil Chaudhary(the
petitioner) and father-in-law(Paras Chaudhary) came and began
to abuse on the pretext of belatedly cooking food. Anil
Chaudhary caught her hair and dragged her out from the house.
The accused persons assaulted with fists and slaps. When the



informant objected, Anil Chaudhary became infuriated and he assaulted her with iron rod on her head. The informant became unconscious. The police was informed and the police sent her to local P.H.C. for treatment. On 11.11.2019, she put her signature on her fardbeyan.

Mr. S.K.Lal, learned counsel for the petitioner submits that the occurrence took place on 07.11.2019 but the informant herself disclosed that she informed the police but police did not institute the case and she was sent to P.H.C. for treatment. The case was lodged only on 11.11.2019. During the course of investigation, the witnesses were examined but almost all the witnesses of the case disclosed that the accused persons assaulted the informant with fists and slaps but the informant fell down on a plank of wood and got injuries on her head. It is submitted that during the course of investigation, the witnesses did not support the allegation of assault part made in the F.I.R. but on perusal of the record, I find that the informant in her further statement also reiterated the same facts that it was petitioner who assaulted her with iron rod on her head. From perusal of the injury report, it appears that informant got one injury, the length of which is 10 inches long. X-ray was done but the doctor did not mention the nature of injury. It also



transpires that the informant gave her statement on 07.11.2019 itself but for the reasons best known to the police, the case was lodged only on 11.11.2019.

It appears that the informant has made very specific allegation that it was petitioner who not only assaulted the informant with fists and slaps but also assaulted her with iron rod on her head and the informant reiterated the same fact on her further statement recorded on 11.11.2019. A long 10 inches injury was found across the head of the informant.

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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