

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34042 of 2020

Arising Out of PS. Case No.-177 Year-2020 Thana- HISUWA District- Nawada

LALLU PRASAD Son of Kuldip Yadav Resident of Village - Modi Bigha,
P.S.- Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh
For the State	:	Mr. APP
For the informant	:	Mr. Sheo Kumar Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-03-2021 Heard both sides.

The petitioner apprehends his arrest in Hisua P.S. case
No. 177/2020 registered under Section 302/34 of the IPC.

The informant alleged that Kuldeep Yadav and Umesh
Yadav had quarreled with each other for drainage. Ravindra
Prasad, Lalu Prasad, Mukesh Kumar, Dinesh Kumar, Niwash
Kumar and Kuldeep Yadav started assaulting wife of Umesh
Yadav. When the informant came to save, the accused persons
also assaulted him. Prince Kumar, son of informant, came there
after seeing the quarrel but Ravindra Prasad, Lalu Prasad, the
petitioner, and Mukesh Kumar caught the eight year old boy and
assaulted him with bricks on his head. Blood started oozing out.
The son of informant died during the course of treatment.



The learned counsel for the petitioner submits that omnibus and general allegation of assault is made. There is no prior meeting of mind. The occurrence took place on sudden provocation. Only one injury was found on the head and three persons are alleged to have assaulted the boy with bricks on his head. The police after investigation submitted charge sheet u/s 304 of the IPC.

The learned APP and the learned counsel for the informant opposed the prayer for anticipatory bail and submitted that there is specific allegation that petitioner and two others caught the boy and assaulted him with bricks on his head.

Having considered the submissions and on perusal of post mortem report, given by the learned counsel for the petitioner, it appears that as many as six injuries were found on different parts of the body of the deceased. The boy was minor aged about eight years and he was admittedly not taking part in the quarrel. The petitioner and two others are alleged to have assaulted him with bricks. One long stitch wound of 6.5 cm on left frontal region to right parietal region of head was found. Brain matter had come out. Other abrasions were also found on the forehead.

Taking into consideration the facts aforesaid and the



nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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