

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35855 of 2020

Arising Out of PS. Case No.-189 Year-2020 Thana- BAJPATTI District- Sitamarhi

1. Lal Babu Das Son of Late Juri Das
2. Dipan Kumar @ Dipen Kumar @ Dipendra Kumar Son of Lal Babu Das
Both R/O Village - Balaha Manorath, P.S. - Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 12-04-2021 Heard both sides.

The petitioners apprehend their arrest in Bajpatti P.S. Case No.189 of 2020 registered under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

The informant is non else than the sister-in-law(wife of own brother of petitioner No.1). The informant alleged that the informant and her husband went to the house of Lal Babu Das to complain with regard to some altercation while her son was playing cricket but Mithun Das, Dipen Kumar, Phulo Devi and others having armed with different weapons came there. Lal Babu Das took knife in his hand and gave blow on the head of the informant. The informant tried to save herself but blow hit on her shoulder. Lal Babu Das again assaulted her husband with knife on his head. Rajan Kumar and Mukesh Kumar, sons of the informant came to save the informant but Mithun Kumar gave iron rod blow on the head of Rajan Kumar. Dipen Kumar(petitioner No.2) gave knife blow in the abdomen of her



son, Mukesh Kumar. Thereafter, accused persons took away different articles from her possession.

The learned counsel for the petitioners submits that informant Rita Devi of course sustained injury but the injury is simple in nature. Lal Babu Das(petitioner No.1) is also alleged to have assaulted Ram Babu Das, the husband of the informant. Ram Babu Das got one incised wound on his skull. The injury is opined to be grievous in nature. The blood was oozing from nasal bone. There was fracture of bones. It is further submitted that Mukesh Kumar sustained one incised wound on left side of his abdomen but the doctor found the stitch wound in layers and conservative treatment was given. It is submitted that this fact shows that Mukesh Kumar was treated somewhere else. He was not even present at the time of occurrence and, therefore, allegation of assault by Dipen Kumar is false and concocted but it appears from perusal of the record that there is very specific allegation that petitioner No.1(Lal Babu Das) assaulted the informant Rita Devi and her husband, Ram Babu Das. The injury of Rita Devi is not annexed but it is submitted that she got simple injury. Injury of Ram Babu Das, the husband of the informant is annexed as Annexure-4. From perusal of Annexure-4, it appears that one incised wound was found on right side of skull. C.T. Scan shows multiple fracture of bones of right parietal and temporal region. The injury is opined to be grievous in nature. Dipen Kumar @ Dipan Kumar(petitioner No.2) is also alleged to have pierced knife in the left side of abdomen of Mukesh Kumar, the son of the informant. The doctor found one incised wound on left abdomen. The abdomen was partially opened. The doctor stitched the wound in layers and bleeding was stopped. The doctor simply stated in the injury report about



the treatment given to the injured Mukesh Kumar. The wound was stitched which does not mean that patient was earlier treated somewhere else. The doctor reported that when the patient came to him the abdomen was partially opened. Since the wound was deep, therefore, the wound was stitched in layers and thereafter conservative treatment was given. The wound was opined to be dangerous to life as some stomach layers were found cut.

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

(Prabhat Kumar Jha, J)

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