

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.508 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- NIMACHANDPURA District- Begusarai

1. Saheb Khan @ Sahab Khan, aged about 22 years, male,
2. Wahaw Khan, aged about 25 years, male,
3. Shamim Ahmad Khan, aged about 32 years, male,
4. Wasim Ahmad Khan, aged about 35 years, male,
All sons of Nashin Khan, resident of Village - Parna, P.S. - Neema
Chandpura, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Pramod Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 15-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ram Sumiran Rai, learned counsel for the petitioners; Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Pramod Kumar Verma, learned counsel for the informant.

3. By order dated 14.06.2021, the application has been disposed off as withdrawn as against the petitioners no. 1 and 2, namely, Saheb Khan @ Sahab Khan and Wahaw Khan, as they were arrested and is restricted to only petitioners no. 3 and



4, namely, Shamim Ahmad Khan and Wasim Ahmad Khan.

4. The petitioners no. 3 and 4 apprehend arrest in connection with Neem Chandpura PS Case No. 09 of 2020 dated 24.02.2020, instituted under Sections 147, 149, 341, 323, 307, 504, 506/34 of the Indian Penal Code.

5. The allegation against the petitioners is of having assaulted the informant and his brother-in-law resulting in injuries on vital parts.

6. Learned counsel for the petitioners no. 3 and 4 submitted that the parties are co-villagers and next-door neighbours and there is land dispute between them since long and on the said day also, there was free fight between the two sides and there have been injuries on both sides, for which petitioner no. 3, Shamim Ahmad Khan, has lodged Neem Chandpura PS Case No. 12 of 2020. It was submitted that the petitioners' side also sustained injuries and even the *fardbeyan* of the petitioner no. 3 was recorded by the police at the Sadar Hospital, Begusarai, on 24.02.2020. It was submitted that, as per the allegation, petitioners no. 3 and 4 had assaulted the informant with iron rod on his head. However, it was submitted that injury report of the informant, though discloses lacerated wounds on the occipital region, but the same have been found to



be simple in nature.

7. Learned APP submitted that petitioners no. 3 and 4 are said to have assaulted on the head by iron rod and the injury report of the informant discloses lacerated wounds on occipital region 6 cm x 1 cm, lacerated wound over middle of skull 6 cm x 1 cm and lacerated wound over frontal scalp region 8 cm x 1 cm; which are big wounds and most importantly, on vital region i.e., the head. It was submitted that just because the doctor has not referred the matter for X-ray and surprisingly, has stated about the nature of injury as simple type, the petitioners no. 3 and 4 do not deserve privilege of anticipatory bail as because of good fortune the informant did not sustain grievous injury, but that would not absolve the petitioners no. 3 and 4 from having committed such assault with iron rod on the head of the informant.

8. Learned counsel for the informant submitted that there is specific allegation against the petitioners no. 3 and 4 that they assaulted on the head of the informant by iron rod, which is corroborated by the injury report.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners no.



3 and 4.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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