

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11022 of 2022**

Arising Out of PS. Case No.-461 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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JAI PRAKASH RAM S/o Late Shivnath Ram R/o village- Basbariya, Ward
No. 31, P.S.- Bettiah (Town), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341,
323, 324, 307, 380, 504 and 34 of the Indian Penal Code.

The informant alleges that on 29.07.2020 at about
11:00 PM, when he was going to sleep in his courtyard
when three named accused persons including the petitioners
came and started abusing on account of land dispute, it is
further alleged that petitioner assaulted the informant with
gadasa on the back of his head causing injury, Kaushal and
Urmilla assaulted the informant with lathi and labeda all



over his body and the accused persons took Rs. 8000/- from his shop, later with the help of co-villagers the matter was settled.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner and the informant are own brothers and on account of dispute relating to land, the present occurrence is alleged to have taken place, it is also submitted that from the side of the petitioner Bettiah Town P.S. Case No. 464 of 2020 has been registered against the informant and his side, it is next submitted from the side of the petitioner also people have received injury on account of assault. Learned counsel next submits that from perusal of the injury report it would manifest that the same records grievous injury only with respect to fracture of second metacarpal which is non-vital part of the body.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the injury report it would manifest that two injuries have been recorded :-



i) Lacerated wound obliquely placed on occipital region of skull 3cm x 2cm.

ii) Fracture of second metacarpal

Object: Hard and Blunt

Nature: Grievous injury

Learned A.P.P. thus submits that it is not only fracture of second metacarpal has been held to be grievous injury rather both the injuries of the injured have been held to be grievous and one of the injury is on vital part of the body.

Considering the submission made by the learned A.P.P. the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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