

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74266 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- HATHAURI District- Muzaffarpur

ROHAN KUMAR Son of Satyanarayan Sahni R/o vill - Deehjivar, P.S. -
Hathauri, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Verma

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-11-2023 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Hathauri Police Station Case No. 103 of 2023,
disclosing offences under Sections 323, 324, 354, 379, 447, 308,
504, 506, 34 of the Indian Penal Code.

3. As per the First Information Report, the petitioner
assaulted the informant by means of sword due to which he
sustained head injury.

4. Learned Counsel for the petitioner submits that
both the parties are closely related and the petitioner is own
nephew of the informant. Learned counsel further submits that
there is a previous land dispute between the parties also.
Referring to Annexure 3 which is the injury report, learned



counsel submits that Dr. S.K. Chaudhary gave the opinion regarding the nature of injury as simple caused by hard and blunt object on 30.05.2023 and the informant was examined by the Doctor on 29.04.2023. He next submits that by Annexure 4, dated 17.06.2023, having the same examination date by the same Doctor as 29.04.2023, he changed the opinion regarding nature of injury and has opined the injury as grievous in nature. Learned counsel also submits that there is no justification for giving two conflicting injury report by the Doctor inasmuch as in the first injury report, the Doctor has not stated that the opinion regarding nature of injury has been reserved by him and further that the patient injured was sent for X-Ray examination before the Radiologist. He next submits that the cause of injury is hard and blunt substance whereas the allegation against the petitioner is that he assaulted the informant by sword which is a sharp cutting weapon.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the Doctor has opined that the injury caused to the informant is grievous in nature.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the



parties are closely related, there is a land dispute between them and there is a conflicting injury report submitted by the Doctor, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, Rohan Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East, Muzaffarpur, in connection with Hathauri Police Station Case No. 103 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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