

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64955 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- KUDHNI District- Kaimur (Bhabua)

Vishnu Kant Mishra @ Golu Mishra Son of Arun Mishra Resident of Village
-Mahila, P.S- Kudhni, Dist- Kaimur (Bhabua) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Adv.
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner, learned
counsel for the State as also learned counsel for the informant.

2. The petitioner is in judicial custody in connection with Kudhni P.S. Case No.9 of 2024 for the offences punishable under Sections 147, 148, 149, 307, 323, 325, 341, 354, 427, 504, 506 of the Indian Penal Code lodged on 14.05.2024 by the informant, Amit Mishra.

3. As per the prosecution story, the informant alleged that both are agnates and on that particular day, at the instance of the accused persons, while the petitioner no. 1 was assaulting his family members including the sons and gave blow on the head on the informant as also his brother causing injury and they became unconscious. As the wife of Mithlesh Mishra came to rescue, allegation is that the lady inmates also assaulted and outrage the modesty. This followed the F.I.R.

4. Learned counsel for the petitioner submits that



only allegation against him is of assaulting the informant and not the other persons.

5. Learned counsel for the informant, on the other hand, has taken this Court to Annexure-P/3 Series (dated 14.05.2024) to show that the Doctor of Primary Health Centre, Nuaon in the district of Kaimur found the injury to be grievous and it has also been noted in the bracket that multiple cut with profuse bleeding was/were found.

6. Learned counsel for the petitioner, on the other hand, submits that the same doctor a month's later gave second report showing the injury to be simple.

7. Learned APP, on the other hand, took this Court to the order of learned Sessions Judge, Kaimur at Bhabhua dated 22.07.2024 to show that the injury has been found in the parietal bone of the informant and the same has been opined to be grievous in nature.

8. Considering the allegation that has come against the petitioner of having given repeated blows to the informant on the vital part of the body, no relief can be granted to him. Accordingly, the petition for bail stands rejected.

9. The role of the Doctor has to be examined. The injury report given by Dr. Ramkrishna Singh posted at Primary



Health Centre, Nuaon dated 14.05.2024 reads as follows:-

INJURY REPORT

PHC NUAON

"I examined

Patient name Amit Mishra Age-35year

Father's name- Lt Prakash Chandra Mishra

Add-Mahila, Ps -Kudhani, District- kaimur (Bhabua)

Date 14/05/2024

Found Following Injury

1. Abrasion on Left Knee

2. Cut on Occipit 5cm×0.25cm

3. Cut on Left parietal Bone 3cmx0.25cm

C/O-Physical Assault

Type of weapon - Sharp

CT-SCAN- Normal

Type of injury-Greivous

(Note-Multiple cut with Profuse bleeding so it consider)

Signature

Dr.Ramkrishna Singh
Mob.no -8767353626"

10. The second injury report dated 14.06.2024 reads as follows:-

INJURY REPORT

PHC NUAON

"Revised Injury of Amit Kumar Mishra on 14/06/2024

I examined

Patient name- Amit Mishra Age-35year



Father's name- Lt Prakash Chandra Mishra

Add-Mahila, Ps -Kudhani, District- kaimur (Bhabua)

Date 14/05/2024

Found Following Injury

1. Abrasion on Left Knee

2. Cut on Occipit 5cmx0.25cm deep up to bone

3. Cut on Left parietal Bone 3cmx0.25cm deep up to bone

C/O-Physical Assault

Type of weapon - Sharp

CT-SCAN-Normal

Type of injury --simple

Signature

Dr. Ramkrishna Singh

Mob.no -8757353626”

11. Both the injury reports are part of the petition as Annexure P/3 Series.

12. The occurrence is of dated 14.05.2024. The informant was immediately taken to the Primary Health Centre, Nuaon and first report clearly shows the latest status of the injured. Besides grievous in the bracket column, the reason was also assigned that multiple cut led to profuse bleeding. How and under what circumstance, a month's later on 14.06.2024, the same Doctor chose to incorporate the type of injury as simple, the same has to be examined.

13. The Civil Surgeon-cum-Chief Medical Officer, Kaimur at Bhabhua is required to look into the matter and do the needful as these kinds of report certainly affects the prosecution



story when in the present circumstance, the allegation is that the repeated blows were given to informant causing injuries to him.

14. Let a copy of this order be communicated to the District Magistrate, Kaimur at Bhabhua, as he being the head of the District must have the knowledge about it, as also the President of Indian Medical Association, East Gandhi Maidan, Patna, 800001 beside the Civil Surgeon-cum-Chief Medical Officer, Kaimur at Bhabhua for their respective perusal and necessary action.

(Rajiv Roy, J)

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