

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54522 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- NARHATT District- Nawada

Jitu Chauhan S/o Late Pahalu Noniya @ Pahalu Chauhan R/o Village-
Punaul, P.S.- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 08-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 115 (2), 126 (2), 118 (1), 109, 352, 3(5) of the BNS

3. The case of the prosecution, in short, is that the petitioner gave a ‘*dagger*’ blow to the husband of the informant and also assaulted her son, namely, Pritam Chauhan due to which, both of them sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that during the course of investigation, the informant has changed her version, and in her re-statement, she has stated that the



petitioner assaulted only her husband with a '*dagger*' which was stopped by the victim with his right hand, due to which, he sustained cut injury on his hand. The second blow was given on the stomach, due to which, her husband sustained an injury on his stomach and even the intestine has come out and he fell down there. She has not stated anything regarding any assault to her son. The son of the informant has also given his statement before the police, in which, he has stated that the petitioner gave a '*dragger*' blow to his father. It is further submitted that there are material contradiction in the versions of the prosecution as disclosed in the FIR and as stated by the informant and one of the victim. The victim, Raj Kumar has also given his statement in paragraph no. 57 of the case diary, wherein he has stated that the petitioner gave a '*dagger*' blow on his stomach, due to which, he sustained injuries and his intestine protruded outside and he fell down there. Moreover, the petitioner is languishing in judicial custody since 16.03.2025 having no criminal antecedent.

5. From perusal of the injury report, it is clear that the victim, Raj Kumar sustained the following injuries: firstly:-

(i) A transversely incised wound over right Hypochondrium up to the epigastric region measuring 8"x3"



pentoneal breach and herniation of small bowel and omentum;

(ii) Lacerated wound over middle finger of the right hand measuring 2.5x1x1 CM;

(iii) Lacerated wound over the middle finger of right hand measuring 2.5x1x1 CM;

(iv) Lacerated wound over ring finger of right hand measuring 2.5x1x1 CM.

6. The intensity of the '*dragger*' blow was so severe that the interior of the abdominal wall at the right lumbar region showed a defect of about 6.1 x 6.1 c.m., leading to full thickness tearing of the abdominal muscles, which appeared retracted, resulting in herniation of bowel loops outside the abdominal cavity. Based on the Ct Scan and MRI report attached to the case diary, doctor has opined that the injury no. 1 and 4 are grievous in nature.

7. From perusal of the injury report, it is also clear that doctor has opined that bowel loops had protruded outside the abdominal cavity which itself demonstrates the severity and force of the blow inflicted upon the victim. Therefore, although there may be minor contradictions regarding the number of blows, it is evident that the '*dagger*' blow inflicted upon the victim was with the intention to commit murder, as the injury is



grievous and even the abdominal loops have come out of the stomach.

8. Learned APP appearing for the state has opposed the prayer of regular bail.

9. Considering the facts and circumstances of the case and the nature and gravity of the allegations levelled against the petitioner, I am not inclined to extend the privilege of bail to the petitioner. Accordingly, the bail application of the petitioner stands rejected.

9. However, the petitioner shall be at liberty to renew his prayer for bail after six months, if the trial is not conclude by then. The trial Court is further directed to expedite the trial.

(Ashok Kumar Pandey, J)

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