

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59348 of 2019**

Arising Out of PS. Case No.-570 Year-2018 Thana- MADHAURAH District- Saran

1. Lacchuman Rai @ Kapil Rai Son of Shri Panchu Rai Resident of Village - Ulhanpur, P.S.- Madhaura, District - Saran
2. Manager Rai Son of Shri Panchu Rai Resident of Village - Ulhanpur, P.S.- Madhaura, District - Saran
3. Prem Rai Son of Shri Panchu Rai Resident of Village - Ulhanpur, P.S.- Madhaura, District - Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Awadhesh Kumar  
For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

3      20-11-2019                      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Madhaura P.S. Case No. 570 of 2018 registered under Section 302 read with 34 of the Indian Penal Code.

It is contended that the death of the informant's husband was caused due to cardio respiratory failure and not a single mark of assault or injury has been found on his body. In the post-mortem report, one abrasion on nose measuring 1/2" x 1/3" and one abrasion on right side of forehead measuring 3/4" x 1/2" have been found, which may be due to fall on the ground



or some other reasons, but those injuries could not have been the result of assault as alleged in the FIR.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he conceded that in para 42 of the case diary, the post-mortem examination report has been reduced into writing by the investigating officer wherein he has recorded that the death of the deceased was caused due to cardio respiratory failure.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender before the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Saran in connection with Madhuara P.S. Case No. 570 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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