

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 61675 of 2019**

Arising Out of PS Case No.-157 Year-2019 Thana- ASTHAWAN District- Nalanda

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1. Raj Kumar Sao, aged about 70 years, Male Son of Baijnath Sao.
  2. Bindu Kumar Sao, aged about 50 years, Male Son of Baijnath Sao.
- Both resident of Village- Mustafapur, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                                           |
|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | Mr. Raj Kumar Rajesh and<br>Mr. Ranvijay Singh, Advocates |
| For the State        | : | Mr. Ram Naresh Roy, APP                                   |
| For the Informant    | : | Mr. Rabindra Prasad Singh, Advocate                       |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN  
AMANULLAH**

**ORAL JUDGMENT**

**Date : 06-03-2020**

Heard learned counsel for the petitioners; learned A.P.P. for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioners apprehend arrest in connection with Asthawan PS Case No. 157 of 2019 dated 19.07.2019 instituted under Sections 289, 341, 323, 325, 307, 34 of the Indian Penal Code to which later on Section 302 has been added.



3. The allegation against the petitioners is of inflicting blow on the back of the neck of the husband of the informant by brick due to which during course of treatment, he passed away after 19 days.

4. Learned counsel for the petitioners submitted that though the incident alleged is of 04.07.2019, but the FIR has been lodged on 19.07.2019, which itself raises genuine doubts with regard to the authenticity of the allegation. Learned counsel submitted that it is admitted in the FIR that the informant was injured by the bull of the petitioners due to which she became unconscious and her husband (deceased) brought her to the road and when he confronted the petitioners with regard to their bull having injured the informant, they are alleged to have assaulted with brick on the back of the neck of the informant. Learned counsel submitted that such genesis is falsified by the fact that there is no injury report of the informant, who as per her own claim, due to attack by the bull has become unconscious. Learned counsel submitted that once there was no cause for any altercation, the allegation of the petitioners beating the deceased by brick on the back of the neck also stands falsified. Learned counsel submitted that even in the postmortem, though a lacerated injury has been found on the back of the neck but the same is described



as an old wound. It was further submitted that during investigation also it was found that both the deceased and the informant were hit by the bull of the petitioners due to which there was tension in the area leading the Sub Divisional Magistrate, Biharsharif to issue notice under Section 107 of the Code of Criminal Procedure, 1973. It was further submitted that the petitioners have no other criminal antecedent.

5. Learned APP, from the case diary, could not controvert the fact that the lacerated wound on the back of the neck has been found to be an old wound.

6. Learned counsel for the informant submitted that the petitioners had assaulted the deceased when he confronted them about their bull having injured the informant.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Nalanda at Biharsharif in Asthawan PS Case No. 157 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.



8. The application stands disposed off in the  
aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

Anand Kr.

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