

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86838 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- TANDWA District- Aurangabad

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1. Pradeep Sao S/o Naresh Sao R/o Village- Itwan, PS- Tandwa, District- Aurangabad
 2. Sundri Devi W/o Pradeep Sao R/o Village- Itwan, PS- Tandwa, District- Aurangabad
 3. Nitish Kumar S/o Pradeep Sao R/o Village- Itwan, PS- Tandwa, District- Aurangabad
 4. Nitesh Kumar S/o Pradeep Sao R/o Village- Itwan, PS- Tandwa, District- Aurangabad
 5. Rani Kumari D/o Pradeep Sao R/o Village- Itwan, PS- Tandwa, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Pandey, Adv.
For the Informant	:	Mr. Ajay Kumar Sinha, Adv.
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-07-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the Informant.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 103(2), 3(5) of the B.N.S.

3. The allegation in the first information report is that the son of the informant Pradeep Sao (petitioner) was objected from constructing a pacca house on the land of the informant by



the wife of the informant (mother of the petitioner Lahaso Devi), whereupon the other accused persons started abusing the informant and his wife. Further allegation is that Lahaso Devi was beaten by the accused persons.

4. Learned counsel for the petitioners submits that it would be evident from the first information report itself that the deceased is the mother of the petitioner no. 1 and there was a dispute in the family with regard to the share in the landed property. It has further been submitted that the entire allegation of assault by the accused persons is not at all corroborated by the medical report as the postmortem report indicates that there is no external injury and further the FSL report is also on record which indicates that there is no external injury on the body as per photography of the body and the preliminary opinion also discloses that no forensic evidence has been found on the scene of crime. Thus, the entire allegation of assaulting the deceased by all the accused persons stands completely negated by the postmortem report and the FSL report.

5. Learned counsel for the informant, however, strongly, opposes the grant of anticipatory bail to the petitioners on the ground that the petitioner no. 1 was the person who was having a spade in his hand and there is an allegation of beating



the deceased to death. Paragraph nos. 9 and 10 of the case diary have also been referred to. In response to the same, learned counsel for the petitioners submits that there is no injury whatsoever, much less there being an injury caused by spade. Further, the witnesses examined in paragraphs 9 and 10 also, only talk of a dispute and hurling of abuses having taken place between the parties and nothing more.

6. Taking into consideration the rival contentions, let the above named petitioners, who have no criminal antecedent, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tandwa P.S. Case No. 122 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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