

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88917 of 2024

Arising Out of PS. Case No.-288 Year-2024 Thana- WARISLIGANJ District- Nawada

Praveen Kumar, aged about 24 years, Male, son of Parsuram Singh, resident of village- Chainpura, P.S.- Warsaliganj, District- Nawada
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :	
For the Petitioner/s	: Mr. Ajay Kumar Thakur, Advocate Mr. Sanjay Kumar Sinha, Advocate
For the State	: Mr. Ram Sumiran Rai, APP
For the Informant	: Mr. N. K. Agrawal, Senior Advocate Mr. Nilendu Kumar Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 08-05-2025 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, learned Additional Public Prosecutor for the State and Mr. N. K. Agrawal, learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner seeks bail in connection with Warsaliganj PS Case No.288 of 2024 dated 31.07.2024, instituted under Sections 103(1), 3(5) of the *Bharatiya Nyaya Sanhita*, 2023.

3. The prosecution case, in brief, is that the father of the informant was sitting at his door. The petitioner and his father came there and assaulted the father of the informant by means of spade. The father of the informant died during the



course of treatment.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. It is also submitted that both sides are close agnates and there is land dispute between the parties. There is no eye witness to the occurrence. There is allegation against the petitioner and his father that they assaulted the father of the informant by spade. Further submission is that the date of occurrence is 28.07.2024, whereas, *fard beyan* was recorded on 30.07.2024 at 09.25 PM and *post mortem* was done on the same day at 12.10 PM. The deceased died on 29.07.2024 and the FIR has been lodged after the death of the deceased. There is no explanation with regard to delay in lodging the FIR. Learned counsel further submits that the *post mortem* report discloses that injury was caused by hard and blunt force impact. It is further submitted that in para 8 of the case diary, there is statement of witness Vinay Kumar, who is the full brother of the deceased, and he has stated that when he came out of the house, he saw the deceased in pool of blood. Similarly, witness Anu Kumari, who is the daughter-in-law of the deceased, in paragraph 9 of the case diary, has stated that when she came out of the house she found the deceased in pool of blood. The injured was firstly treated at



Warisaliganj Government Hospital from where he was referred to Pawapuri and thereafter to Patna Medical College and Hospital. No information was given to the police by the prosecution witnesses. It is also submitted that the weapon which was used in the crime is only one and the allegation of assault by spade is against two persons. There is no specific allegation that who assaulted the deceased with spade. Charge-sheet has been submitted in the case. Lastly, it is submitted that the petitioner is in custody since 02.08.2024 having clean antecedents.

5. On the other hand, Mr. N. K. Agrawal, learned senior counsel appearing on behalf of the informant has submitted that there is specific allegation against the petitioner. Further submission is that from paragraph 26 of the case diary, which is the supervision note of the SDPO, it appears that there is sufficient materials available in the case diary that the petitioner assaulted the deceased. It is also submitted that the *post mortem* report supports the prosecution case and it reveals that injury was caused by hard and blunt force impact.

6. Learned APP has also opposed the prayer for bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, in Warsaliganj PS Case No.288 of 2024.

8. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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