

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51085 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- KHUDAGANJ District- Nalanda

1. RAM JI YADAV Son of Arjun Yadav R/V- Bardaha, P.S.- Khudaganj, Distt.- Nalanda.
2. Arjun Yadav Son of Babu Chand Yadav R/V- Bardaha, P.S.- Khudaganj, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Kumari Sujata Sinha, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Rajeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the Office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 447, 341, 323, 372, 307, 324, 504, 506 and 34 of the Indian Penal Code in which section 302 IPC was added later on.

The prosecution allegation, in short, is that the accused persons surrounded the house of the informant and assaulted the father of the informant due to which he sustained injuries and



later succumbed to the injuries.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Earlier the case was instituted for an offence under Section 307 IPC. Later on, Section 302 IPC has been added. It has been submitted on behalf of the petitioners that from perusal of injury report, it would appear that the injury nos. 1 and 3 are simple in nature whereas injury No. 2 is grievous in nature. Injury no. 2 is said to be on the non-vital part of the body. A copy of the post-mortem report was produced on behalf of the petitioner which shows that the cause of death could not be ascertained. It is relevant to indicate here that the death is said to have taken place after 41 days of the alleged occurrence. The occurrence is said to have taken place on 5.1.2021 and the death of the deceased had taken place on 16.2.2021. Hence, death after such a long period cannot construe an offence under Section 302 IPC and especially in view of the facts that as per the post-mortem report, death is not on account of injury caused by the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa, Nalanda in connection with Khudaganj P.S. Case No. 04/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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