

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14188 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- MADHUBAN District- East Champaran

1. BRAJNOD YADAV Son of Chandrapal Yadav R/V- Kauriya, P.S- Madhuban, Dist- East Champaran
2. Jaibod Yadav Son of Ram Krishn Yadav R/V- Kauriya, P.S- Madhuban, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.
2. The defects, as pointed out by the office, are ignored.
3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 342, 324, 307, 302, 337 and 504 of the Indian Penal Code.
4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
5. The informant alleges that while she along with her husband were returning home in the night, they were intercepted by the accused persons including the petitioners and they



assaulted her husband by iron rod causing injury leading to his death.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that it was night as such it cannot be alleged with certainty that it was the petitioners who had assaulted the husband of the informant by iron rod causing injury leading to his death. It is next submitted that during the course of investigation, it has come that the husband of the informant died on account of fall of a bamboo which was being erected. It is also submitted that even the witnesses have not supported the case of the prosecution during the course of investigation. It is further submitted that the viscera has been preserved and sent to the FSL for examination. It is next submitted that though it is alleged that both the petitioners assaulted the husband of the informant by an iron rod causing injury leading to his death but then during the postmortem only one injury was found on the deceased.

7. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioners and submits that the police investigation is not admissible in evidence during the course of trial. It is further



submitted that it is the wife who alleges that the accused petitioners had assaulted the deceased leading to his death. It is next submitted that why the wife would falsely implicate someone who has not committed the occurrence.

8. Considering the submissions made by the learned A.P.P. for the State and learned counsel for the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Madhuban P.S. Case No. 202 of 2022 pending in the Court of learned Chief Judicial Magistrate, East Champaran at Motihari/successor Court.

9. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Satyavrat Verma, J)

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