

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40333 of 2022

Arising Out of PS. Case No.-656 Year-2021 Thana- AKBARPUR District- Nawada

1. PRAVEEN KUMAR @ PRAVEEN YADAV @ PRAVEEN KUMAR PRASAD SON OF RAM BALAK YADAV @ BALAK YADAV R/O VILLAGE- NANU BIGHA, P.S.- AKBARPUR, DISTRICT- NAWADA
2. ARBIND KUMAR @ ARBIND YADAV SON OF RAM BALAK YADAV @ BALAK YADAV R/O VILLAGE- NANU BIGHA, P.S.- AKBARPUR, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Sr. Advocate
For the Opposite Party/s :	Mr. Surendra Prasad Singh, APP
For the informant :	Mr. Durgesh Nandan, Advocate
	Mr. Manisha Prakash, Advocate
	Ms. Puja, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 23-03-2023 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the informant.

This application, for grant of anticipatory bail, arises out of Akbarpur Police Station Case No. 656 of 2021, for the offences punishable under Sections 341, 323, 325, 307, 302/34 of the Indian Penal Code.

Prosecution story in brief is that the father of the informant died and brother of the informant was seriously injured. Petitioner No.1 and 2 are named in the FIR and during



the pendency of the present bail application, petitioner No.2 has already been arrested and to that effect the present bail application has become infructuous as against petitioner No.2.

Accordingly, the present bail application as against petitioner No.2 is consigned.

So far as bail application as against petitioner No.1 is concerned, learned counsel for the petitioner submits that there is delay in lodging of the FIR. He submits written report and the inquest report reveals that the same was prepared on 21.10.2021 at 15.22 hours at Sadar Hospital, Nawada, which is much prior to lodging of the FIR and seizure list was prepared on 21.10.2021 at 13.15 hours while the written report was instituted on 21.10.2021 at 19.40 hours. It was sent to the Court of Chief Judicial Magistrate after five days. It is further submitted that records reveals that the mother of the informant has denied the allegation against the petitioner No.2 to have assaulted with knife, who has already been arrested during the pendency of the present bail. No role has been assigned to the petitioner No.1 as alleged in alleged commission of murder of the father of the informant.

He further submits that the allegation against the petitioner No.1. is that he has stabbed knife blow abdomen of



the father of the informant and the investigating officer in course of investigation has collected no incriminate material against him.

Learned counsel appearing on behalf of the informant submitted that the learned counsel for the petitioner has made above statement on the basis of the paper attached along with the case diary which cannot be relied upon to have been collected in course of investigation. I.O. has not made any reference of the paper attached with the case diary to establish the fact that same has been collected by the investigating officer in course of investigation. He further submitted that the informant is the eye witness that the participation of the petitioner in the murder cannot be denied. Learned APP has opposed the prayer for grant of bail.

Having heard learned counsel for the parties and materials available on record, it appears that the main defence of the petitioner for grant of bail is on the basis of certain technical discrepancies to have been taken place in conduct of the investigation. Information was first received by the police station and its entry in the station diary is not disputed. This Court finds that the investigation was initiated after the entry of commission of offence received in police station where it was



entered in the Station diary, subsequently the inquest report, seizure list and the FIR was instituted. In paragraph 7 of the case diary, it has been recorded that after receiving report at the police station the investigating officer proceeded to visit place of occurrence and hospital. This Court finds that informant was present at the place of occurrence and he was witness to the commission of murder of his father and brother was assaulted brutally by the accused persons including the petitioner who is named in the FIR. I am not inclined to enlarge the petitioner No.1 on pre-arrest bail, accordingly, the prayer for bail on behalf of the petitioner No.1 is rejected.

(Purnendu Singh, J)

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