

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41089 of 2024

Arising Out of PS. Case No.-125 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Laxman Singh Yadav, Son Of Late Ram Prasad Singh Village- Chausa, Ps-Buxar Muffasil, Dist- Buxar
2. Shiv Prakash Yadav, Son Of Laxman Singh Yadav Village- Chausa, Ps-Buxar Muffasil, Dist- Buxar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak
For the State	:	Mr. Binod Kumar
For the Informant	:	Mr. Arvind Kumar Pradhan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-09-2024 1. Heard learned counsel for the petitioners,

learned counsel appearing on behalf of the informant and

the learned APP for the State.

2. The petitioners seek bail in instituted for the

offences under Sections 341, 323, 386, 302, 504, 506/ 34

of the Indian Penal Code.

3. The learned counsel for the petitioners submits

that petitioner no.1 has antecedent of three cases and

petitioner no.2 has antecedent of two cases. It is next

submitted that petitioner no.2 is son of petitioner no.1. It is

further submitted that informant alleges that on 07.04.2024



at 6.30 P.M., she along with her husband were going to their new house from their old house after purchasing milk and when they reached near Mount Valley School, they saw petitioners on a blue tractor. Further, petitioners, on seeing her husband, got enraged and Laxman Singh Yadav (petitioner no.1) instigated Shiv Prakash Yadav (petitioner no.2) saying that they will purchase our land and will construct a house and will stay in it, but will not pay extortion of Rs.3 lacs to Om Prakash (son of Laxman), on which Shiv Prakash got instigated and he ran the tractor over her husband, who died at the spot.

4. The learned counsel appearing on behalf of the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that husband of the informant had purchased a piece of land from the brother of the petitioners, as such, the informant was alleging from before that petitioners' family is not allowing them to construct their house, for which even a case was instituted. It is next submitted that though in the FIR, it is alleged that the occurrence took place



at 6.30 P.M., but then, from perusal of the post mortem report, it would manifest that the same records that the body was first seen by the doctor at 11.25 A.M. It is also submitted that from perusal of Para-2 of the case diary, it would manifest that the inquest report also records that the inquest was done at 9.40, which obviously means 9.40 A.M. or else it would have been 21.40. It is thus submitted that these aspects creates an aspersion on the case of the prosecution as to whether the occurrence took place in a manner as alleged or on account of previous dispute, the petitioners have been implicated in the instant case by the informant. It is also submitted that it absolutely does not stand to reason that when the occurrence took place on 07.04.2024, then why the FIR came to be instituted on 08.04.204.

5. The learned counsel appearing on behalf of the informant as well as learned A.P.P. vehemently opposes the bail application of the petitioners and submits that no doubt, in the post mortem report, it has been recorded that the doctor saw the dead body of the deceased on 07.04.2024 at



11.25 A.M., but then, draws the attention of the Court to the post mortem report again to submit that it also records that the body of the deceased was received at 11.00 P.M. on 07.04.2024, as such, it is submitted that it is a mistake of pen that instead of P.M., A.M. has been recorded. It is next submitted that even the inquest report records 9.40, but then, it does not record either A.M. or P.M., but since the dead body was received for post mortem at 11.00 P.M. that definitely indicates that the inquest was done at 9.40 P.M. It is also submitted that if any mistake has been committed by the Investigating Officer the same cannot accrue to the benefit of the petitioners.

6. The the learned counsel appearing on behalf of the informant vehemently asserts and submits that the husband of the informant was killed and no wife would want to implicate someone in the murder of her husband, who has not committed the occurrence i.e. no wife would want the real culprit to go escort-free for a piece of land. The learned counsel further submits that the occurrence shooked the informant to an extent that she was not in her proper sense



as the dead body of her husband was taken by the police for post mortem, as such, some delay might have been caused in instituting the FIR. It is also submitted that charges have been framed, trial has commenced and two witnesses have been examined.

7. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to release the petitioner on bail.

8. The prayer of the petitioner for regular bail stands rejected.

(Satyavrat Verma, J)

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