

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.45848 of 2023**

Arising Out of PS. Case No.-159 Year-2022 Thana- MAHARAJGANJ District- Siwan

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AMIT KUMAR YADAV Son of Gautam Yadav Resident of Village-  
Bagauchha, P.S.-Maharajganj, District-Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |                                                                                                   |
|----------------------------|---------------------------------------------------------------------------------------------------|
| For the Petitioner/s :     | Mr.Prashant Kumar, Advocate<br>Mr. Sanjay Kumar Singh, Advocate<br>Mr. Dineshwar Pandey, Advocate |
| For the Opposite Party/s : | Mr.Suresh Prasad Singh<br>Mr. Krishna Kumar Yadav                                                 |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      22-02-2024              **1.**    Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State along with learned counsel for the  
  
OP No. 2.

**2.**    The petitioner apprehends his arrest in a case  
  
registered for the offences punishable under Sections 279, 304,  
  
307, 337 and 338 of the Indian Penal Code.

**3.**    The learned counsel for the petitioner submits that  
  
petitioner is a person with clean antecedent and has been falsely  
  
implicated by the informant with an allegation that petitioner  
  
and his family members are his relatives and they are having  
  
dispute relating to properties on account of which on orders of  
  
Gautam, the petitioner started driving a tractor on which Rahul



and Rohit were sitting and they deliberately crushed his wife to death. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that there is dispute relating to property and the petitioner and the informant are related. It is further submitted that though it is alleged that the wife of the OP No. 2 was crushed to death by the accused persons by means of a tractor, but then the postmortem report does not corroborate the allegations. It is further submitted that postmortem report records that the death was caused by haemorrhage and shock caused by hard and blunt substance, it is further submitted that had the wife of the OP No. 2 been crushed to death in the manner as alleged in the FIR in that event the postmortem report would not have recorded that cause of death was an account of haemorrhage and shock caused by hard and blunt substance. It is further submitted that though in the FIR it is alleged that when informant raised alarm, the accused person fled leaving behind their tractor, but then the number of the tractor has also not been disclosed in the FIR when the FIR has admittedly been instituted two days after the occurrence.

4. The learned APP along with the learned counsel for the OP No. 2 opposes the anticipatory bail application of the petitioner but are not in a position to rebut the submission of the



learned counsel for the petitioner that the postmortem report does not corroborate the allegations as alleged in the FIR and the number of the tractor also has not been disclosed in the FIR.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Maharjganj P.S. Case No. 159 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

SUMIT/-

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