

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50301 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- GOPALPUR District- West Champaran

1. Rakesh Das S/o Inarman Das Yadav Resident of Village Dukhichhapar Sargatia PS Gopalpur District west champaran
2. Krishna Yadav S/o Bijali Yadav Resident of Village Dukhichhapar Sargatia PS Gopalpur District west champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajeet Kumar Bhawdwaj
For the Opposite Party/s	:	Mr. Ram Naresh Ray
For the Informant	:	Mr. Shashank Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-10-2024 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant when they are persons with clean antecedent. It is next submitted that the informant alleges that the *Ex-Mukhiya*, Inraman Das, got two poles erected on her land, further when the informant along with her husband went to



see their land, the accused persons were present from before, further on seeing the informant and her husband, they started assaulting her husband and Krishna Yadav and Rakesh Das assaulted her husband by *lathi* causing injury on head on account of which he fell and became unconscious and his right side got paralyzed, thereafter the victim was taken to the hospital where the doctors informed that the victim has suffered brain haemorrhage on account of assault, further the victim was referred to GMCH, Bettiah where he is under treatment. It is submitted that the husband of the informant during the course of treatment died.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation is alleged against the petitioners of assaulting the husband of the informant by *lathi* causing injury on head on account of which he fell and became unconscious and his right side stopped working and the doctors informed that he has suffered brain haemorrhage, but then draws the attention of the Court to the postmortem report to submit that the postmortem report of the deceased records that no external injury was found on the body of the deceased, it is thus submitted that if the husband of the



informant was assaulted in the manner as alleged by the informant in the FIR, in that event the deceased would have suffered external injury, but since the postmortem report records that no external injury was found, as such, it appears that the occurrence took place in some other manner and on account of existing dispute in between the husband of the informant and the *Ex-Mukhiya*, the petitioners came to be implicated for the reason that *Ex-Mukhiya* had earlier instituted a case against the husband of the informant in which the petitioners are witnesses. It is also submitted that the postmortem report also records that viscera has been preserved, which amply demonstrates that the death was not caused on account of assault, as such the doctors are awaiting viscera report.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the postmortem report records that no external injury on body of the deceased was found.

6. The learned counsel appearing on behalf of the



informant further submits that if petitioners are granted the privilege of anticipatory bail, they may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalpur P.S. Case No. 28 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation or are not presenting themselves as and when required in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners



after recording reasons.

9. Let a copy of this order be sent to the concerned
P.S. through the learned Trial Court.

10. **Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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