

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56942 of 2024

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

Jaybodh Yadav SON OF Ram Krishan Yadav VILLAGE- KAURIYA, PS-
MADHUBAN, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar, Sr. Advocate Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Yogendra Kumar Singh Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2024 Heard learned Senior Counsel for the petitioner, Mr. Rajesh Kumar, learned counsel appearing on behalf of the informant and the learned APP.

2. The learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that earlier the petitioner had approached this Court seeking anticipatory bail by filing Cr. Misc. No.14188 of 2023, but the same came to be rejected by an order dated 14.07.2023, though the Court had taken notice of the fact that in the FIR it is alleged that this petitioner along with Brijnandan had assaulted the husband of the informant and Mausham Kumar and during the course of treatment the husband of the informant died, but then in the postmortem report it is recorded that there is only one injury



which casts an aspersion on the case of the prosecution that as to whether the informant is an eyewitness to the occurrence or not. It is next submitted that though in the FIR the informant alleges that when her husband was intercepted by the accused persons including the petitioner and he was assaulted by petitioner and Brijnandan when Mausham Kumar came to save her husband but he was also assaulted, but then during the course of investigation the statement of Mausham Kumar was never recorded nor his injury report was brought on record, which amply demonstrates that either Mausham Kumar was not present at the place of occurrence but only to give serious colour to the case the said allegation was alleged or else Mausham Kumar would have come on his own before the investigating authority to substantiate the case. The learned Senior Counsel further submits that petitioner is in custody since 19.05.2024.

3. The learned counsel appearing on behalf of the informant opposes the regular bail application and submits that why a wife would falsely implicates someone who has not committed the occurrence of killing of her husband, but then is not in a position to rebut the submissions of the learned Senior Counsel appearing on behalf of the petitioner that only one injury was found during the course of postmortem and



Mausham Kumar never appeared before the Investigating Officer to substantiate the case. The learned counsel for the informant further submits that in the event if regular bail is granted to the petitioner, in that event the petitioner may abscond as charges till date has not been framed.

4. At this stage the learned Senior Counsel for the petitioner seeks permission to withdraw the regular bail application with liberty to renew his prayer for bail after framing of charge.

5. Permission is accorded.

6. Accordingly, the regular bail application is dismissed as withdrawn.

(Satyavrat Verma, J)

Prakash Narayan

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