

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12964 of 2025

Arising Out of PS. Case No.-391 Year-2024 Thana- FATUA District- Patna

1. Babita Devi W/o- Bhorik Yadav @ Bhaurik Yadav Village- Simrauka Tola Lalganj PS- Sarbahda Distt-Gaya
2. Kishori Yadav S/o- Lakshman Yadav Village- Simrauka Tola Lalganj PS- Sarbahda Distt-Gaya
3. Bhorik Yadav @ Bhaurik Yadav S/o- Kishori Yadav Village- Simrauka Tola Lalganj PS- Sarbahda Distt-Gaya
4. Ajay Yadav S/o- Kishori Yadav Village- Simrauka Tola Lalganj PS- Sarbahda Distt-Gaya
5. Sumitra Devi W/o- Kishori Yadav Village- Simrauka Tola Lalganj PS- Sarbahda Distt-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha, Adv.
	:	Mr. Saroj Kumar Choudhary, Adv.
For the Opposite Party/s	:	Mr. Kalyan Shankar, App.
For the Informant	:	Mr. Nitish Kumar Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 20-08-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Fatuha Police Station Case No. 391 of 2024, disclosing offences under Sections 302, 34, 120-B of the Indian Penal Code.
3. The prosecution case as stated in the fardbyan of Ajay Kumar in brief is that his brother Vijay Kumar decided to purchase 45 decimals of land for which agreement for sale was



executed between Sumitra Devi and deceased and he had given Rs. 15 lakh. Babita Devi and others were not executing the registered document. For this, earlier also dispute arose and their family members had made deadly attack. On 26.06.2024 at about 06:30 pm, informant's brother Vijay Kumar left on his scooty and then at about 08:30 O'Clock, he got information that his brother was lying injured under Fatuha Railway Over Bridge and has been taken to Fatuha Hospital, by police. When he reached there then he was referred to PMCH, Patna, where after investigation, doctor declared him dead on 27.06.2024. Informant alleged that to avoid land registration after taking money, petitioners along with one Ravish Yadav conspired and with intention to kill, threw him from overbridge which caused his death. Due to monetary transaction, some unknown persons are also involved in his killing

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of suspicion and presumption. He next submits that there is no eye-witness to the alleged occurrence and even the informant himself is not an eye-witness. There is a delay in lodging of FIR inasmuch as the occurrence took place on 26.06.2024 but the FIR was lodged on 28.06.2024,



subsequent to the death of the deceased on 27.06.2024, which clearly indicates that the allegations are an afterthought. The allegation of financial transaction of Rs. 15 lakhs is wholly false and misconceived, as no such payment was ever made to the Petitioners either in cash or through any account. Rather, Petitioner No. 1 had merely signed blank papers at the instance of the deceased on the pretext of securing a loan, which have been misused for the purpose of falsely implicating the Petitioners. He further submits that the allegations levelled against the Petitioners are vague, omnibus and without any substantive material. No independent witness has supported the prosecution case, and the case rests solely on statements of interested witnesses. There is no connecting evidence on record to indicate the complicity of the Petitioners in the alleged occurrence.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the Petitioners have suppressed material facts in their anticipatory bail petition. Petitioner No. 1 has criminal antecedents in four cases but has disclosed only three, concealing Complaint Case No. 860/2023 under Section 138 of the N.I. Act. Similarly, Petitioner No. 2 has falsely stated that he



has no antecedents, whereas he is an accused in Complaint Case No. 866(C)/2023 under Section 138 of the N.I. Act, in which cognizance has been taken. Petitioner No. 3 has also suppressed his involvement in Complaint Case No. 866(C)/2023, and Petitioners No. 4 and 5 are also accused therein, but these facts have not been disclosed. Further, Complaint Case No. 666/2023 filed by deceased Vijay Kumar, in which cognizance has been taken, has also been withheld. In that case, Petitioners No. 1 and 5 had executed an agreement for sale of land on 22.12.2021 but failed to execute the sale deed or return the consideration money, which led to dispute and conspiracy. The post-mortem report further corroborates the prosecution case, showing that the deceased was brutally assaulted and died of head and chest injuries.

6. I have heard learned counsel for the parties and have gone through the materials on record, including the agreement for sale. It appears that brother of the informant entered into an agreement for sale for purchase of a piece of land having Khesra No. 2821, Jamabandi No. 154, ad measuring 45 decimals on 22.12.2021. The deceased paid advance amount of Rs. 5 lakhs on the date of agreement and, subsequently, on different dates, he paid total amount of Rs. 15 lakhs. This court



vide its order dated 02.07.2025, directed the S.S.P., Patna, to constitute a team headed by D.S.P. for collecting the CDR details of the accused persons. A counter-affidavit has been filed by the S.P., Fatuha, pursuant to the aforesaid order, stating therein that, upon analysis of CDR of accused persons, namely, Bhorik Yadav, Ravish Yadav and Ajay Yadav, their location was found near the place of occurrence or at the place of occurrence. CDR of Babita Devi could not be generated and the company has given a certificate to this effect. Similarly, CDR of in-laws of Babita Devi is not available as they do not possess any mobile phone.

7. Considering the aforementioned facts and the location of the petitioner nos. 3 and 4 at the place of occurrence and the nature of allegation made in the FIR, I am not inclined to grant privilege of anticipatory bail to petitioner nos. 3 and 4. Accordingly, the same is rejected with respect to petitioner nos. 3 and 4

8. Insofar as petitioner nos. 1, 2 and 5 are concerned, the police has not found their presence on the place of occurrence on the basis of CDR and further petitioner no. 2 and 3 are 74 years old and petitioner no. 1 is a lady, I am inclined to grant privilege of anticipatory bail to petitioner nos. 1, 2 and 5.



9. This application is partly allowed to the extent indicated above.

10. Let the petitioner nos. 1, 2 and 5, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City, Patna, in connection with Fatuha Police Station Case No. 391 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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