

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6460 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- Pastpar Pusthi District- Saharsa

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Digambar Yadav @ Digambar Kumar S/O Late Akhleshwari Yadav @
Akleshwari Prasad Yadav R/O Vill- Jalaiya, Ward no. 1, P.S.- Pastpar, Dist.-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with
Pastpar P.S Case No. 23/2024 registered for the offences
punishable under Sections 126(2), 115(2), 118(2), 302(2), 109,
333, 352, 351, (3), 3(5) of BNS.

3. As per allegation in the FIR, petitioner along with
other co-accused persons have assaulted the informant as well
as the family members of the informant in which father of the
informant was severely injured and during the course of
treatment, he died.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next



submits that there is general and omnibus allegation against the petitioner. He further submits that no incriminating articles has been recovered from the possession of the petitioner. He further submits that during medical treatment informant father Maheshwari Yadav died on 14.09.2024 and cause of death of the deceased is hemorrhage and shock cause in brain but it is not clear from the FIR as well as the case-diary that who has beaten him due to which he was severely injured. It is also submitted that petitioner is in judicial custody since 07.09.2024 having one antecedent of similar nature.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner and submits that petitioner along with other have assaulted the informant's father with butt of the pistol due to which he became unconscious and fell down on the ground and during treatment, he died.

6. On perusal of the FIR, impugned order dated 21.12.2024, Postmortem report, case diary, it appears that injury sustained by the Buchhi Kumar is simple in nature caused by hard and blunt substance but the injury sustained by Maheshwari Yadav became fatal for his life and during treatment, he died. From postmortem report, it seems that cause of death of deceased is hemorrhage and shock due to injury to



the viral order i.e. brain which was caused by hard and blunt substance and petitioner has actively participated in the commission of alleged occurrence. Moreover, witnesses have supported the prosecution, so considering all aspects of the matter and nature of allegation leveled against the petitioner, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the present regular bail application of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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