

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8195 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- LAKHAURA District- East Champaran

1. Ramesh Kumar Yadav @ Ramesh Kumar Yadav (Mukhiya) Son of Late Raj Narayan Yadav @ Late Raj Narayan Pd. Yadav Resident of Village- Naurangia, P.S.-Lakhaura, District- East Champaran.
2. Ramesh Kumar Yadav son of Harish Chandra Prasad Yadav Resident of Village- Lakhaura, P.S.-Lakhaura, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and under Section 27 of Arms Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of three cases and petitioner no. 2 has antecedent of eight cases and the informant alleges that his son on 03.04.2024 was doing the work of electricity wiring in the house of petitioner no. 1, thereafter the informant in the night called his son, who informed that he had his dinner and he will be sleeping in the house of petitioner no. 1, thereafter on 04.04.2024, petitioner no. 1 called the informant and informed him that his son



had been admitted in the hospital, accordingly he came to the hospital where he saw dead body of his son lying outside the hospital, thus alleges that the petitioners killed his son.

4. Learned counsel appearing on behalf of petitioners submits that petitioners have been falsely implicated in the instant case. It is further submitted that petitioner no. 1 was not even present at his house when the occurrence is alleged to have taken place. It is next submitted that it was petitioner no. 2, who had taken the deceased to the hospital for treatment. It is also submitted that one Sonu was arrested, who confessed that he killed the deceased by stabbing him. It is further submitted that confession of Sonu gets corroborated by *post-mortem* report also, which records that death was on account of haemorrhagic shock caused by sharp edged weapon.

5. The Learned Additional Public Prosecutor for the State vehemently rebuts the submission of the learned counsel appearing on behalf of the petitioners and submits that petitioners are criminals. It is further submitted that from perusal of the FIR, it would manifest that the informant also alleges that the deceased was taken to the hospital, but the informant was not informed, though the way to the hospital crossed his house. The learned APP next submits that the learned counsel appearing on behalf of the petitioners has read the confessional statement of Sonu, where he



had accepted his participation in the occurrence, but then it is submitted that the learned counsel for the petitioner is not in a position to make any submission with regard to the recovery of the knife by which Sonu claimed to have killed the deceased, which also casts an aspersion on the case of the prosecution that as to whether the confession made by Sonu was voluntary or it was made at the behest of the petitioner. It is further submitted that it is settled principle of law that confession before police does not have any evidentiary value. It is next submitted that the father has instituted the instant FIR, as such, it does not appear probable that a father would falsely implicate someone who was not involved in the occurrence.

6. Considering the submissions made by the learned Additional Public Prosecutor for the State, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the instant anticipatory bail application is rejected.

(Satyavrat Verma, J)

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