

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18322 of 2025

Arising Out of PS. Case No.-485 Year-2024 Thana- JANDAHA District- Vaishali

1. Dinesh Singh S/o- Late Rajendra Singh Village- Sahrathi Ps- Mahisaur Jandaha Dist- Vaishali
2. Sanjay Singh S/o- Late Rajendra Singh Village- Sahrathi Ps- Mahisaur Jandaha Dist- Vaishali
3. Mantu Singh S/o- Mr. Dinesh Singh Village- Sahrathi Ps- Mahisaur Jandaha Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv
: Mrs. Vaishnavi Singh, Adv
: Mr. Ritwik Thakur, Adv
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioners are named in the

F.I.R. and apprehended their arrest in connection with

Jandaha P.S. Case No. 485 of 2024 registered for the



offences punishable under Sections 126(2), 115(2), 329(3), 324(4), 103, 61(2) and 3(5) of the BNS.

3. The allegation against the petitioners is to commit murder of the father of informant alongwith other co-accused persons while protesting the cutting of trees in the land of informant as claimed.

4. Mr. Ajay Thakur, learned counsel appearing on behalf of the petitioners submitted that petitioners are rightful owner of the trees and land, therefore, when they were engaged in cutting of trees, the father of informant entered into scuffle, where due to cardiac arrest he died on spot. In support of his submission learned counsel relied upon Annexure No. 2 i.e., post-mortem report of the deceased father of the informant suggesting no external injury present over the body and even upon dissection bones found intact, rib cage also found intact negating allegation on its face that the father of informant was assaulted during the occurrence by heavy *daranti* on his chest by petitioners. It is submitted that if death was out of alleged assault, then certainly some external or internal injury to be present as per post-mortem



report. Absence of any such injury negate prima-facie allegation as alleged through FIR. While concluding the argument learned counsel submitted that FIR was lodged with a delay of two days.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as nature of alleged assault prima-facie not appears convincing *qua* post-mortem report of deceased which negates any external injury and also the rib cage of deceased was found intact by mentioning the cause of death due to cardiac arrest, accordingly all petitioners above named, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Vaishali at Hajipur/concerned Trial Court where the case is pending in connection with Jandaha P.S. Case No. 485 of 2024 subject to the conditions



as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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