

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17999 of 2025

Arising Out of PS. Case No.-52 Year-2015 Thana- NAUBATPUR District- Patna

1. Akhilesh Kumar S/O Late Dharamdeo Singh R/O Village- Tarwan, P.S- Naubatpur, Distt.- Patna.
2. Yogendra Prasad @ Yogendra Prasad Yadav @ Yogendra Gope S/O Late Ram Bhawan Yadav R/O Village- Tarwan, P.S- Naubatpur, Distt.- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Nishikant, Advocate Mr.Jitendra Acharya, Advocate Mr.Suraj Kumar Singh, Advocate Mr.Narendra Kumar Sinha, Advocate Mr.Anand Kumar Tiwari, Advocate
For the Opposite Party/s :		Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard Mr. Nishikant, learned counsel for the

petitioners and Mr. Navin Kumar Pandey, learned A.P.P. for

the State.

2. The accused-petitioners, named in the F.I.R.,

apprehending their arrest in connection with Naubatpur P.S.

Case No. 52 of 2015 registered for the offences punishable

under Sections 341, 342, 323, 302, 201 & 34 of the Indian

Penal Code. They have no criminal antecedent as stated in

paragraph ‘3’ of the application.

3. The allegation against the petitioners is to involve in

the murder of husband of the complainant/informant.



4. Learned counsel appearing on behalf of the petitioners submitted that there are two important 'changed circumstances', for which the present anticipatory bail petition has been preferred on behalf of the petitioners on second occasion, after rejection of their first anticipatory bail through Cr. Misc. No. 28613/2019 dated 07.05.2019, considering the available merits.

5. In this context, it is pointed out that firstly, other similarly situated co-accused persons granted anticipatory bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 41197/2023 (Ram Padarath Singh & Ors Vs. The State of Bihar) vide order dated 04.08.2023 and Cr. Misc. No. 10854/2024 (Dilip Ram & Ors. Vs. The State of Bihar) vide order dated 19.04.2024 and secondly, submission of final form in Naubatpur P.S. Case No. 511/2014, which has been accepted by learned Jurisdictional Magistrate.

6. Explaining the background of the present case in brief, it is pointed out by learned counsel that for the present occurrence, two cases were lodged, where first F.I.R. was lodged as Naubatpur P.S. Case No. 511 of 2014 and



thereafter 57 days of the occurrence, wife of the one of the the deceased namely, Sanjeet Yadav, lodged a complaint narrating the involvement of petitioners and other co-accused persons in murder of her husband namely Sanjeet Yadav, which was referred to Naubatpur Police Station by exercising power under Section 156(3) of the Cr.P.C., and thereafter, present F.I.R. i.e. Naubatpur P.S. Case No. 52 of 2015 was lodged.

7. It is submitted that complainant examined in Naubatpur P.S. Case No. 511/2014 also and her statement duly recorded under Section 161 of the Cr.P.C., where, after completion of investigation, police submitted final form which was also accepted by learned jurisdictional Magistrate i.e. A.C.J.M. - VI, Danapur on 16.11.2022.

8. It is submitted by learned counsel for the petitioners that in the present occurrence, two persons died out of drowning namely, Baleshwar Ram and Sanjeet Yadav. Sanjeet Yadav was the husband of complainant/informant. It is pointed out that for the said occurrence, Naubatpur P.S. Case No. 511/2014 was registered, but the legal issues start



to take its deviation after lodging of the complaint petition by wife of the deceased Sanjeet Yadav after 57 days of the occurrence making allegation thereto that petitioners have murdered her husband. It was sent to police for investigation after registering the F.I.R. which was lodged as Naubatpur P.S. Case No. 52/2014. After investigation police submitted final form, but learned Jurisdictional Magistrate by taking a different view took cognizance against petitioners.

9. Learned counsel further submitted that statement as recorded by the informant/complainant in Naubatpur P.S. Case No. 511/2014, nowhere suggests the involvement of petitioners in the alleged occurrence, rather it categorically suggest that occurrence was an accident out of drowning. Post-mortem report also suggest cause of death as drowning without any external injuries. In furtherance of which, police submitted final form on 04.11.2022, which was accepted by the concerned jurisdictional Magistrate on 16.11.2022, and, therefore, this subsequent development put a question mark on the cognizance order dated 10.01.2019 against petitioners as discussed aforesaid.



10. It is submitted by learned counsel that final form in the present F.I.R. was also submitted by police against the petitioners on 01.12.2017. It is pointed out by learned counsel that main co-accused persons, as per alleged complaint, namely, Dilip Ram and Raghu Pungawa have already been granted privilege of anticipatory bail by learned coordinate Bench of this Court through Cr. Misc. No. 10854 of 2024 vide order dated 19.04.2024.

11. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

12. In view of the aforesaid 'changed circumstances' and by taking note of the fact that other co-accused persons facing more aggravating allegation *qua* petitioners have already been granted anticipatory bail in the year 2024 by learned coordinate Bench of this Court, accordingly, above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II,



Danapur/concerned court in connection with Naubatpur P.S.
Case No. 52 of 2015, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C/Section 482(2) of the
Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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