

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36513 of 2025

Arising Out of PS. Case No.-824 Year-2024 Thana- BARH District- Patna

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1. Binod Yadav Son of Brijnandan Yadav Resident of village - Dayachak Naya Tola, P.S.- Barh, District - Patna.
 2. Mdhe Yadav @ Madhey Yadav @ Umesh Yadav Son of Brijnandan Yadav Resident of village - Dayachak Naya Tola, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 191, 190, 126(2), 115, 103(2), 61(2) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that 10 named accused persons including the petitioners came and started accusing that their daughter has been kidnapped by them and assaulted his wife, who died.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case by



the informant. It is next submitted that there is no specific allegation of assault against the petitioners and the entire family members have been implicated. It is next submitted that the sister of Mangli Kumari was missing, as such, an altercation had taken place in between the male members of the family of both sides and both sides assaulted each other. It is next submitted that though in the FIR, it is alleged that wife of the informant was assaulted by the side of the petitioners leading to her death but then from perusal of the postmortem report, it would manifest that the same does not corroborate the allegation of assault. It is also submitted that no doubt some external injuries were found on the body of the deceased but then had 10 accused assaulted the deceased in the manner, as alleged in the FIR, in that event, several injuries would have been found on the dead body of the deceased but the postmortem report records-

1. An abrasion over right scapular region size 2"x1½"
2. An abrasion over right lower back size 1"x1/2" and
3. A tender swelling present over mid sternal region of anterior chest wall size 1/2" in diameter.

It is next submitted that this amply demonstrates that during altercation when both side assaulted each other, the wife of the informant might have fallen, on account of which, the



injuries were caused. It is also submitted that the postmortem report records cause of death as cardiac failure but not on account of the aforesaid injuries. It is also submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barh P.S. Case No. 824 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at



liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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