

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44982 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- JOGAPATTI District- West Champaran

SHAMBHU YADAV SON OF GARJAN YADAV VILLAGE-
CHAUMUKHA, P.S.- YOGAPATTI, DISTT.- WEST CHAMPARAN
(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51621 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- JOGAPATTI District- West Champaran

Ramchhatari Yadav @ Amit Kumar SON OF LATE NAWAL KISHOR
YADAV VILLAGE- JAMUNIA, PS- BATHWARIYA (BAGAHA) DIST-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44982 of 2024)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Uday Shankar Pandey, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

(In CRIMINAL MISCELLANEOUS No. 51621 of 2024)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Mrityunjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-01-2025 Heard Mr. Yogesh Chandra Verma, learned Senior

counsel for the petitioner in both the cases duly assisted by Mr.

Om Prakash and J.N. Jha. Mr. Mohammad Sufya and Mr.

Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in



connection with Yogapatti P.S. Case No. 356 of 2023 for the offence under Sections 302 and 34 of the I.P.C. lodged on 03.08.2023 by the informant, Umesh Yadav.

3. As per the prosecution story, the informant alleged that he had seen his son Deepak Kumar going with Ramchhatri Yadav on motorcycle. Later, as he did not return, they conducted search and on the next day, they came to know about his killing. He has reasoned the killing due to the land dispute with the accused persons and accordingly, the FIR. Subsequently, the Police took up the investigation and those arrested made confession, incorporated in para-39 of the case diary, according to which, a panchayat was held earlier, the '*panch*' asked the opposite party to handover the land to Umesh Yadav which was not acceptable to the accused persons including this petitioner and later, they conspired that if any family member of Umesh Yadav was killed, they will automatically stop coming to the land, allowing them to to-let it till eternity.

4. Learned Senior counsel submits that though he concede the fact that in the case of one of the co-accused, Ramashish Yadav in Cr. Misc. No. 10727 of 2024, relief has not been extended, the fact remains that during the investigation, it has come to light that in course of the postmortem, the Doctor



got a hand on a note in the pocket of the deceased, according to which, he declared that he is committing suicide.

5. Learned Senior counsel submits that in that background, the opinion of the Doctor that the death is due to pressure on the neck has to be regarded as the pressure due to hanging by suicide.

6. Learned APPs in both the cases jointly oppose the prayer submitting that beside one of the co-accused having been denied the relief (Ramashish Yadav in Cr. Misc. No. 10727 of 2024), the presence of suicidal note and the opinion of the Doctor does not match and Shambhu Yadav is having criminal antecedent.

7. Having gone through the facts of the case and the submissions of the parties, though this Court finds force in the submission of the learned Senior counsel for the petitioner that it is not the Police, rather the Doctor who has recorded that the piece of paper was found in the pocket of the deceased according to which, he committed suicide, it cannot ignore the fact that one of the co-accused has been denied the anticipatory bail and further, Doctor has made a contrary statement in the postmortem report itself.

8. In that background, this Court does not deem it fit



to extend the privilege of anticipatory bail to the petitioners which stand rejected.

9. However, considering the facts that have been incorporated in the case diary/postmortem report regarding the second theory that the deceased has committed suicide, it has to be taken note by the learned Court if the two petitioners surrender within four weeks from today.

10. The bail petition so filed shall be taken up and disposed of preferably on the same day.

(Rajiv Roy, J)

Adnan/-

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