

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54341 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- KORHA District- Katihar

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1. Raju Yadav S/o Late Hiya Lal Yadav R/o Shivadih, PS- Korba, Distt.- Katihar
 2. Amit Kumar Yadav S/o Raju Yadav R/o Shivadih, PS- Korba, Distt.- Katihar
 3. Birbal Yadav S/o Binod Yadav R/o Binodpur, PS- Rautara, Distt.- Katihar
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-09-2025 1. The prayer for anticipatory bail of the petitioner no. 3 has already been dismissed as withdrawn vide order dated 05.08.2025.
2. Heard learned counsel for the petitioners no. 1 and 2 and learned A.P.P. for the State.
3. The petitioners no. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the BNS, 2023.
4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 15.04.2025 at about 09:00 p.m. his father was going to his new house from the old house when all the FIR named accused persons including the petitioners intercepted him and brutally assaulted on road over an earlier land dispute. Further,



Sarli Devi bit the father of the informant on his right hand and injured him and despite medical treatment the condition of the father of the informant deteriorated and he died on 16.04.2025 while being taken to the Medical College, Katihar.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that the date of occurrence is 15.04.2025 and the FIR has been instituted on 17.04.2025 i.e. after a delay of two days. It is next submitted that postmortem report of the deceased is annexed as Annexure-2 to the anticipatory bail application and from perusal of the same, it would manifest that the same records external findings - a circular shaped abrasion noticed over distal portion of left forearm. No other external lesion have been noticed.

6. Learned counsel for the petitioners submits that from perusal of the postmortem, it would manifest that the Doctors have not found any external injury on the body of the deceased when the informant alleges that nine accused persons including the petitioners assaulted him. It is further submitted that the Doctor in his opinion has recorded that exact cause of death cannot be ascertained, hence, viscera preserved. It is thus submitted that had the father of the informant died on account of assault in that event the Doctors would have recorded that the death was on account of



assault. It is also submitted that the father of the informant was not assaulted by the accused persons but then the informant taking advantage of his death implicated the petitioners along with their family members. It is submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners no. 1 and 2.

8. Considering the submissions made by the learned counsel for the petitioners no. 1 and 2, let the petitioners no. 1 and 2 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 Korha P.S. Case No. 104 of 2025, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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