

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62520 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- BASOPATTI District- Madhubani

1. Chitrohan Yadav @ Chitarodhan Yadav S/O Late Januk Yadav R/O Village- Madhiya, Ward No. 4, P.S.- Basopatti, District- Madhubani
2. Mukesh Kumar @ Mukesh Kumar Yadav S/O Chitrohan Yadav @ Chitarodhan Yadav R/O Village- Madhiya, Ward No. 4, P.S.- Basopatti, District- Madhubani
3. Bimlesh Kumar @ Abhishek Kumar S/O Chitrohan Yadav @ Chitarodhan Yadav R/O Village- Madhiya, Ward No. 4, P.S.- Basopatti, District- Madhubani
4. Karan Kumar @ Karu Kumar Yadav @ Karan Kumar Yadav S/O Chitrohan Yadav @ Chitarodhan Yadav R/O Village- Madhiya, Ward No. 4, P.S.- Basopatti, District- Madhubani
5. Pravin Kumar @ Pravind Kumar Yadav S/O Chitrohan Yadav @ Chitarodhan Yadav R/O Village- Madhiya, Ward No. 4, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 15-11-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehends their arrest in connection with Basopatti P.S. Case No. 93 of 2025, dated 29.04.2025, registered under Sections 126(2), 115(2), 109, 329(3), 351(2), 352, 3(5) of the B.N.S.

3. The prosecution case, in brief, is that on 29.04.2025, the accused persons including petitioners came at



the door step of informant armed with iron rod, dabiya, khanti, axe, spade etc. and started abusing the informant and his brother and also assaulted them, due to which they sustained head injury.

4. It is submitted by the learned counsel for the petitioners that the allegation of assault upon the informant is general and omnibus. It has next been submitted that he has also appended injury report of the informant and from perusal of the same, which are said to have been caused by the accused persons, are grievous in nature. However, on the other hand, he submits that there is counter version of the incident and from the informant's side, there was also assault made to these petitioners namely Chitrohan Yadav and Mukesh Yadav, who are said to have sustained injuries, for which F.I.R. bearing Basopatti P.S. Case No. 94 of 2025, dated 29.04.2025 has been filed and the injuries, which are caused to these petitioners are also grievous in nature.

5. Learned counsel for the petitioners, at this stage, fairly submits that it is learnt that after four months of the said incident, the informant has died.

6. On the other hand, learned counsel for the informant has appeared suo motu in this case and does not dispute the factual position that death of the informant was caused after four months of the said occurrence and he attempted to various mode to get the



postmortem done by writing to the I.O. of this case, but nothing was done by them and even appropriate sections, upon death having been occasioned to the informant, have also not been incorporated in the F.I.R.

7. Learned Additional Public Prosecutor for the State has opposed the prayer for anticipatory bail of the petitioners.

8. Considering the facts that the allegations being general and omnibus and there are counter version to the entire incident, in which the petitioner nos. 1 and 2 are also said to have sustained injuries, being grievous in nature, let the above named petitioners, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of the learned J.M., 1st Clas, Madhubani in connection with Basopatti P.S. Case No. 93 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner (s) who shall provide official document to show his/her bona fide;

(ii) the petitioner (s) shall appear on each and every



date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. At this stage, this Court on the submissions made by the learned counsel for the informant finds it appropriate to direct the Superintendent of Police, Madhubani to take appropriate steps by directing the concerned Investigating Officer to examine the factual position, which according to the learned counsel representing the informant is said to have been brought to their notice and seek explanation, as to why, the appropriate steps were not taken by them, at the time of death of the informant, and it is also expected that appropriate directions to all the concerned Police Station be equally issued, that in case of such situations occurring before them, appropriate steps, which is required to be taken by the Investigating Officer in law,



should be appropriately taken and findings to that effect should also be recorded in the respective Case diary, so that aggrieved parties may not have any grievances to the manner in which Investigations are being carried out by the Investigating Officer.

10. Let, this order be communicated to the Superintendent of Police, Madhubani for its compliance.

(Ajit Kumar, J)

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