

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41844 of 2026

Arising Out of PS. Case No.-477 Year-2025 Thana- JOGAPATTI District- West Champaran

Harendra Mukhiya S/o Ramchandra Mukhiya R/o Jaralpur, P.S.- Yogapatti,
Distt.- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mayank Mohan, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Yogapatti P.S. Case No. 477 of 2025 registered for the offences punishable under Sections 103(1) & 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, petitioner alleged to commit the murder of husband of the informant alongwith co-accused persons, where alleged murder was given colour of accident by overturning the tractor over the body of the husband of the informant, as a result of which he died.

4. Learned counsel appearing on behalf of the petitioner submitted that in fact the husband of informant died due to tractor accident, but out of village politics and previous enmity,



it was given colour of murder without having any cogent material. It is pointed out that even the post-mortem report suggest that the injury as found upon the deceased was ante-mortem and was caused by hard and blunt object. It is submitted that as far allegation of overturning tractor is concerned, it is an afterthought to aggravate the allegation.

5. While concluding argument, it is submitted that the FIR in issue was lodged with a delay of two days without having any just explanation as an afterthought suggesting false implication of the petitioner with present crime of murder. Petitioner claimed clean antecedent.

6. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, submitted that the occurrence duly supported by the witnesses during the course of investigation as the deceased husband of the informant was initially assaulted by the co-accused persons including the petitioner and thereafter the tractor was overturned on his body to create impression that occurrence was an accident.

7. It is further submitted by learned A.P.P. that during post-mortem, which is mentioned in para 43 of the case diary, the tongue of the deceased husband of the informant was found protruded, *prima facie* negating the defence version that death



was caused due to accident.

8. In view of the aforesaid factual submissions and by taking note of the fact as specific allegation *qua* committing murder is available against petitioner, coupled with the fact that protruded tongue *prima facie* negate the defence of accident, as submitted aforesaid, accordingly, prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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