

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37483 of 2026

Arising Out of PS. Case No.-389 Year-2025 Thana- HAJIPUR SADAR District- Vaishali

Chandan Kumar @ Chandan Rajak Son of Bhikhari Rajak Resident of
Village- Rupas Mahagi, P.S.- Salimpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 21-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad. The
Investigating Officer of the case in compliance of the order
dated 06.07.2026 is present to the Court.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 127(2), 103(1), 329(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel appearing on behalf of the petitioner submits petitioner is a person with clean antecedent and the informant alleges that petitioner in his absence entered his house on 15.05.2025 at 09:30 PM and assaulted his wife and locked his daughter in a different room, further the petitioner killed his wife, next alleges that his daughter raised an alarm, hence



petitioner unlocked her and fled, thereafter his daughter called and disclosed about the occurrence, accordingly the informant came and brought his wife to the hospital where she was declared dead.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that it does not appear probable that had the petitioner killed the wife of the informant, in that event, he would have unlocked the daughter of the informant for raising alarm, it is also submitted that informant alleges that his daughter called and informed about the occurrence to the informant, but then there is absolutely no investigation on the issue that as to whether daughter of the informant called him informing about the occurrence, it is also submitted that postmortem of the wife of the informant was carried out and the postmortem report records- eyes closed, mouth closed, 2x1 cm, bruise on right upper eyelid, no other external injury. It is further submitted that doctor recorded – death is caused by myocardial infarction, it is further submitted that the FSL report also records no metallic, alkaloidal, pesticidal glycosidial or volatile poison could be detected.

5. Learned counsel for the petitioner thus submits



that had the victim been killed on account of assault in that event, the viscera would not have been sent to the FSL for detecting whether any poisonous substance was administered/ consumed by the deceased.

6. Learned counsel for the petitioner next submits that even the external injury found on the body of the deceased was not sufficient in the ordinary course of nature to cause death of the victim.

7. Learned counsel appearing on behalf of the petitioner, at this stage, makes submission relying on Chapter 19 of Modi's Textbook of Medical Jurisprudence and Toxicology, 28th Edition relating to - The Pathology of Sudden Natural Death and thereafter, draws the attention of the Court to Page- 553 of the aforesaid book and submits that acute myocardial infarction usually occurs in left ventricle near apex, gross changes are not visible in the first six hours, after six hours infarcted area is red purple haemorrhagic, coronary artery may show a thrombus in lumen. It is next submitted that it also records that in healed myocardial infarct, the gross changes are easily visible as foci of shining fibrosis in brown myocardium, it is thus submitted that the cause of death as recorded is myocardial infarction which according to Modi's Medical Jurisprudence comes within the



category of sudden natural death.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner based on the postmortem report that cause of death has been opined as myocardial infarction and the external injury found on the dead body of the deceased was not sufficient in ordinary course of nature to cause death.

9. Learned A.P.P. at this stage, submits that if privilege of anticipatory bail is granted the petitioner may abscond on which the learned counsel appearing on behalf of the petitioner submits that if privilege of anticipatory bail is granted the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

10. Considering the submissions made by the learned counsel appearing on behalf of the petitioner and cause of death as recorded in the postmortem report, the petitioner above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Hajipur Sadar P.S. Case No. 389 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

11. 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 petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

12. The personal appearance of the Investigating Officer of the case is dispensed with.

13. This application stands allowed.

(Satyavrat Verma, J)

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