IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.60647 of 2026

CNR No. BRHC010869842026

Arising Out of PS. Case No.-231 Year-2026 Thana- MASHRAK District- Saran

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Dharmendra Kumar Singh @ Dharmendra Kumar @ Dharmendra Singh Son of Late Krishnanand Singh @ Krisnanand Singh Resident of Village- Kavalpura, P.S.- Mashrakh, District- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Devashish Giri, Advocate
For the Informant	:	Mr. Radha Mohan Singh, Advocate
		Mr. Rananjay Kumar, Advocate
For the State	:	Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 05-11-2026 Heard Mr. Devashish Giri, learned counsel appearing on behalf of the petitioner; Mr. Radha Mohan Singh, learned counsel for the informant and Mr. Shyam Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mashrakh P.S. Case No. 231 of 2026 registered for the offence punishable under Sections 103(1) and 3(5) of the BNS.

3. As per the allegation made in the FIR, accused persons named therein including the petitioner, with an intention to kill, had allegedly assaulted the father of the informant by

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means of *lathi*, *danda* and knife causing injury to him, who succumbed to death in course of treatment.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. He further submitted that the alleged incident had taken place on 16.04.2026 at about 2 p.m and FIR was lodged at about 8:30 p.m on 16.04.2026 in the night and there is delay of nearly six and a half hours in lodging the FIR. He further submitted that the allegation in the FIR is of indiscriminate assault by means of *lathi, danda* and knife upon the father of the informant, however, the post-mortem, which was conducted on 16.04.2026 at Sadar Hospital, Chapra. As per the post-mortem report, not external injury, as well as, any internal injury was detected. The F.S.L. report also confirmed that the death not caused by poisoning. In course of investigation, a video recording of the deceased was made by a police officer, who was on patrolling duty, which has no evidentiary value having not followed the prescribed procedure as provided in the I.T. Act, as well as, in the BNSS and BSA. It is also not evident from the video recording that the deceased was in a sound state of mind, as such, tutoring cannot be ruled out. Petitioner and the deceased were on inimical terms and in

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this regard, he has given specific information in paragraphs no. 11 and 12 of the bail application. On these grounds, learned counsel submitted that in absence of any evidence in support of the allegation made in the FIR,, wherein, it has been alleged that the deceased (father of the informant) died out of assault allegedly to have been attributed to the petitioner on different parts of body along with other accused persons. The petitioner seeks to be released on pre-arrest bail.

5. Mr. Radha Mohan Singh along with Mr. Rananjay Kumar, learned counsel has tendered appearance on behalf of the informant and submitted that the informant, who is the son of the deceased, after getting information by a co-villager, had immediately informed the police on 112 and the patrolling police officer had visited the place of occurrence and at the time, when the deceased was alive, a full video recording was done by him, which reveals that the deceased gave information in his conscious state of mind that the petitioner and other accused persons named in the FIR had assaulted him causing injury on different parts of body, thereafter, he was taken to the PHC, Mashrakh, where he was declared dead.

6. Learned APP for the State submitted that in course of investigation, the Investigating Officer had collected the

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pendrive in which, it was found that the dying declaration of father of the informant (deceased) was recorded by the police in his conscious state of mind as would appear from paragraph no. 54 of the case diary. It has been recorded that the deceased gave information that accused persons named in the FIR had assaulted him, therefore, the petitioner don't deserve to be released on pre-arrest bail in heinous crime.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegations made in the FIR, in which, son of the deceased (informant) informed to the 112 patrolling team that his father was brutally assaulted by the petitioner. The police had recorded the statement of the deceased, who in his conscious state of mind, had named the petitioner that he assaulted leading to the death of his father. I have also perused the evidence, which has surfaced in course of investigation, in which, independent witnesses have supported the occurrence. Therefore the submission of the petitioner that from the inquest report and the post-mortem report, no injury was found on the vital part of the body and in absence of any assault, the death of the deceased cannot be attributed to the petitioner cannot be sustained. The electronic evidence, which was collected by the police official, who had visited the place of

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occurrence immediately and had recorded the information given by the deceased, cannot be held to be of no evidentiary value. The petitioner case is not covered by the any of the exceptions laid down by the Apex Court in the case of ***Manno Lal Jaiswal Vs the State of Uttar Pradesh & Anr (Criminal Appeal No. 97 of 2022).*** I am not inclined to enlarge the petitioner on pre-arrest bail.

8. Accordingly, the present bail application stands rejected.

(Purnendu Singh, J)

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