IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62687 of 2026

CNR No. BRHC010908382026

Arising Out of PS. Case No.-275 Year-2026 Thana- FORBESGANJ District- Araria

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1. Chhotu Yadav @ Chhotu Kumar Yadav S/O Yogendra Yadav Resident of village- Samaul, ward no 14, Khairkha, Police station- Forbesganj, District- Araria
2. Bipin Yadav @ Bipin Kumar Yadav S/O Yogendra Yadav Resident of village- Samaul, ward no 14, Khairkha, Police station- Forbesganj, District- Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Yogendra Kumar
For the Informant : Mr. Rohit Kumar
Mr. Manish Kumar No. 13
Mr. Jitendra Kumar Bharti

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 28-10-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of the BNS.

3. Learned counsel appearing on behalf of the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 10.05.2026 at 10:00 P.M. her husband was sleeping at his grocery shop

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adjacent to the house, further Chhotu in an intoxicated condition came and woke up her husband and asked for a packet of Rajnigandha on credit, on which her husband objected, thereafter Chhotu started abusing and assaulted her husband and made a call to his family members, hence ten named accused persons including the petitioner no. 2 came and assaulted her husband on account of which he died.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant being brothers, it is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant alleges that her husband was sleeping in his shop adjacent to the house where Chhotu in the night came in a drunken condition and asked for gutka on credit on which her husband objected, thereafter Chhotu assaulted him and called his family members, further ten named family members of Chhotu came and assaulted her husband who died, it is further submitted that the allegation as alleged in the FIR does not get corroborated from the post-mortem report of the deceased rather the post-mortem report belies the allegation of assault, it is also submitted that from perusal of the post-mortem report, it would manifest that the same records “mark of injury

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(location & size)- abrasion on second toe of right foot approximately ½ cm x ½ cm, old infected wound on right first toe with abraded skin approximately 5cm x 3cm including partially lost toe nail and mucopurulent discharge, serosanguineous discharge from nasal on pressing of chest, no any other marks of external injury seen over any other part of body, abdomen distended" and the cause of death has been opined as- death in our opinion due to cardio-respiratory arrest. Learned counsel appearing on behalf of the petitioners thus submits that had 11 accused persons assaulted the deceased in that event the deceased would have suffered external injury, but then the post-mortem report does not record injury pointing to the fact that deceased was assaulted in the manner as alleged in the FIR, it is next submitted that the cause of death has not been opined as cardio-respiratory arrest on account of above noted injury, it is further submitted that the post-mortem report also records old infected wound on right first toe with abraded skin which amply demonstrates that deceased was having an infected wound on his toe, it is also submitted that during the course of investigation statement of Kuber Yadav was recorded at para 75 of the case diary wherein he disclosed in a marriage function at the house of Dharmendra an altercation took place in between

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petitioner no. 1 and the son of the deceased, namely, Mithilesh but then the issue was pacified, he also disclosed that deceased was also present at the place of occurrence and his health condition deteriorated on account of which he was take to the sub-divisional hospital Forbesganj, where doctors declared him dead, it is thus submitted that from statement of Kuber Yadav it manifests that in the marriage function the health condition of the deceased deteriorated on account of which he was taken to the hospital and doctors declared him dead, it is next submitted that statement of Manoj was also recorded at para 74 of the case diary wherein he stated that a dispute arose in between petitioner no. 1 and Mithilesh as both of them were in an intoxicated condition, but then the issue was pacified on intervention of the brothers of petitioner no. 1, namely, Ajay and Bipin (petitioner no. 2), thereafter petitioner no. 1 went to the shop of the deceased and demanded Rajnigandha and when deceased asked for payment petitioner no. 1 assaulted him, on alarm, brother of petitioner no. 1, namely, Ajay and Bipin (petitioner no. 2) came at the place of occurrence and assaulted the deceased and thereafter he was taken to the sub-divisional hospital, Forbesganj where the doctors declared him dead, it is thus submitted that there is apparent contradiction in the

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statement of Manoj and Kuber Yadav, but then the post-mortem report is more in consonance with the facts disclosed by Kuber Yadav, it is reiterated and submitted that petitioners are persons with clean antecedent and in the nature of allegation as alleged which does not get corroborated by the post-mortem report if the privilege of anticipatory bail is granted to the petitioners, the petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submissions made by the learned counsel appearing on behalf of the petitioners that the post-mortem report does not corroborate the allegation of assault as alleged in the FIR and the cause of death as opined by the doctor also records cardio-respiratory arrest but not on account of any minor injuries recorded in the post-mortem report.

6. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or

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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) 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 Forbesganj P.S. Case No. 275 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

7. At this stage, the learned counsel appearing on behalf of the informant submits that process under Section 82 Cr.P.C. has been issued on 24.08.2026 against the petitioners, on which the learned counsel appearing on behalf of the petitioners submits that petitioners were not absconding rather were availing their remedy available in the law as they had approached learned District Court much prior to the issuance of the process under Section 82 Cr.P.C. but their anticipatory bail got rejected, thereafter the petitioners moved before this Court and filed the instant anticipatory bail application on 25.08.2026 when process under Section 82 Cr.P.C. came to be issued on 24.08.2026, it is further submitted that had the petitioners been absconding in that event the petitioners would not have entitled for anticipatory bail, but since petitioners were availing their

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remedy available in the law their cases have been correctly considered, it is also submitted that the Court also cannot be oblivious of the allegations and the material which transpired during the course of investigation.

(Satyavrat Verma, J)

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