

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8567 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- BODHGAYA District- Gaya

Sautam Saurav, S/O Sanjay Yadav @ Sanjay Kumar @ Sanjay Prasad R/O
Village- Dirawan, P.S.- Cherki, District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar
For the Opposite Party/s :	Mr. Shyameshwar Dayal
	Mr. Saket Gupta
	Mr. Mayank Shekhar
	Mr. Amritya Raj

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 328,
302 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 04.07.2021 at about 8.00 A.M., his elder son
(deceased) along with his brother had visited the house of the
accused persons including the petitioner for settling the dispute
relating to passage through panchayati. It is next alleged that



after having tea at the house of the accused persons, the deceased returned to his house and started vomiting and further, informed that the accused gave him poisonous tea. It is next alleged that his son died during course of treatment.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute related to land. It is also submitted that it absolutely does not stand to reason that if the accused persons would have poisoned the deceased, then why they would have allowed him to go back home and disclosed the occurrence to his family members and thus, create evidence against themselves. The learned counsel next submits that this amply demonstrates that the informant has taken advantage of the situation and has falsely implicated the petitioner. It is also submitted and asserted that it has been specifically pleaded at Para-7 that during investigation, the I.O. has seized the mobile phone of the deceased Mahesh Kumar in which, video recording of the deceased is there where he is found saying that Sanjay Yadav and Ajay Yadav are his uncles, who are not giving way (rasta) to them and due to that reason, he is going to commit suicide. The



learned counsel next submits that admittedly, the petitioner and the informant are related as deceased was nephew of Ajay Yadav and Sanjay Yadav, who are accused in the present case. The learned counsel thus submits that an innocent person has been falsely implicated.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that if what has been submitted by the learned counsel for the petitioner is true, then definitely the police will arrive at a conclusion after investigation.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bodh Gaya (Cherki) P. S. Case No.216 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, it is pertinent to mention here that this order



of anticipatory bail shall lose its effect in the event, if after investigation charge-sheet is submitted against the petitioner.

(Satyavrat Verma, J)

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