

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53494 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- CHANDI District- Bhojpur

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1. MOHAN YADAV @ MOHAN SINGH S/o Late Suraj Yadav R/o Village- Kunjal Tola, P.S.- Chandi, District- Bhojpur.
  2. Arun Yadav @ Arun Kumar S/o Doman Yadav R/o Village- Kunjal Tola, P.S.- Chandi, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                        |
|--------------------------|---|----------------------------------------|
| For the Petitioner/s     | : | Mr. Vagisha Pragya Vacaknavi, Advocate |
| For the Informant        | : | Mr. Baxi S.R.P. Sinha, Sr. Advocate    |
|                          |   | Mr. Brajesh Prasad Gupta, Advocate     |
| For the Opposite Party/s | : | Mr. Anil Kumar, A.P.P.                 |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      05-07-2022                      By order dated 25.04.2022, prayer for anticipatory bail of petitioner no. 2 Arun Yadav @ Arun Kumar has already been rejected.

Heard the parties.

The petitioner no. 1 apprehends his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 1 submits that the petitioner no. 1 is a person with clean antecedent and the informant alleges that he runs a cloth shop for the last twenty years and his nephew Lal Bihari (deceased) stays with him, further it is alleged that one Shiv Charan Yadav had taken cloths worth Rs.10,000/- on credit, further the nephew of the informant



had gone to the house of Shiv Charan Yadav for the money, but, he was threatened to dire consequences. It is next alleged that Shiv Charan Yadav came to the house of the informant and asked him to send his nephew for collecting money, accordingly, the nephew went to the house of Shiv Charan Yadav but did not return, thereafter, informant went to the house of Shiv Charan Yadav looking for his nephew, when he was informed that he had gone to his Khalihan, accordingly, the informant went to the Khalihan of Shiv Charan Yadav and saw that the accused persons along with the petitioner no. 1 were sitting and on query about his nephew, the informant was informed that he has been killed and now he forgot his money or he will also meet the same fate, further it is alleged that the younger brother of the informant informed that dead body of Lal Bihari is lying in the field.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 has been falsely implicated in the present case. On the face of it the allegation appears to be inherently improbable and patently absurd as it does not stand to reason that after killing a person, the accused would sit at the place of occurrence or near the place of occurrence waiting for the family members of the deceased to arrive so that they can



inform that they have killed the deceased and, thus, create an evidence against themselves. Learned counsel next submits that no doubt the occurrence has taken place as Lal Bihari was killed but the manner in which the present FIR has been instituted, it does not appear probable that it was the accused persons including the petitioner no. 1 who killed the deceased. It is next submitted that the informant himself alleges that Shiv Charan Yadav had threatened the deceased of dire consequences in the event if he again come for the due amount but still on calling of Shiv Charan Yadav informant very willingly sent his nephew for collecting the money which also seems improbable. Learned counsel submits that petitioner no. 1 will cooperate in the trial and will appear before the police as and when required.

Learned Senior Counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner no. 1 and submits that the occurrence had taken place for Rs.10,000/- which was due with Shiv Charan Yadav but are not able to meet the submission of the learned counsel for the petitioner no. 1 that while the accused persons after committing the occurrence would have been sitting in the Khalian waiting for the family members of the deceased to arrive and then to disclose about the occurrence and, thus,



creating evidence against themselves.

Considering the submissions made by the learned counsel for the petitioner no. 1, the petitioner no. 1 above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Chandi P.S. Case No. 71 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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