

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64599 of 2022

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

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SANJAY KUMAR @ SANJAY YADAV S/o Ganga Prasad @ Ganga Yadav
R/o Village- Dirawan, P.S.- Cherki, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 328, 302/34 of the Indian Penal Code.

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 am, his elder son (deceased) alongwith 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 accused gave him tea laced with poison. 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 FIR it would manifest that the dispute relates to land. It is further submitted that it absolutely does not stand to reason that if the accused person would have poison the deceased then why they would have allowed him to go back home and disclose the occurrence to his family members and thus create evidence against himself.

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 (petitioner) and Ajay Yadav are his uncle who, were 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 the petitioner who are accused in the



present case. The learned counsel thus submits that an innocent person has been falsely implicated.

Mr. Md. Mushtaque Alam, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and points out that petitioner at para 3 has stated that petitioner is a person with clean antecedent, when in the case diary at Para 22 it has come that petitioner has antecedent and this fact stands concealed. Since, the petitioner has not approached the court with clean hands as such, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Hence, the application is dismissed.

(Satyavrat Verma, J)

Adnan/-

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