

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43594 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- KHAIRA District- Jamui

Pradeep Kumar @ Pradeep Yadav Son Of Dagaru Yadav, Village- Ramdev
Salan, P.S.- Charkapathar, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-11-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his cousin brother on 22.01.2024 at 11.00-12.00
Noon had left for village Sarebad and when he did not return
home till 4.00 P.M., his family members felt perturbed,
thereafter they received information from the villagers that the
victim was lying in an unconscious state near a poultry farm at
village Neemnawada, accordingly, the informant along with his
family members reached the place of occurrence and saw the



victim in an unconscious state and thereafter he was taken to P.H.C., where the doctor declared him dead. It is next alleged that the victim before leaving the house on 22.01.2024 had informed that he is going to party with Pradip Yadav (petitioner), further, when the victim left, the family members called him but his mobile was switched off, thus based on suspicion alleges that Pradip Yadav administered some poisonous substance, leading to the death of the victim.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant, based on suspicion. It is next submitted that no doubt the victim (deceased) and Pradip were known to each other but then from the statement of the brother-in-law of the deceased, recorded at para-4 of the case diary, it would manifest that he has stated that he met Pradip and the victim in a market place, where Pradip disclosed that victim was not feeling well, hence he should be taken to his house, accordingly, the brother-in-law of the deceased asked him to accompany him to the house but on the way the victim asked his brother-in-law to drop him, as such, the brother-in-law of the victim dropped him. The learned counsel submits that the brother-in-law of the deceased has categorically stated that he accompanied the victim from the



market but then the victim asked him to leave him at a certain place and after leaving him, he left, as such, it cannot be alleged that Pradip was involved in the occurrence, it is submitted that had Pradip been involved in the occurrence, in that event, he would not have asked the brother-in-law of the victim to take him back home, feeling that the victim may disclose that Pradip made him consume some intoxicated article. It is next submitted that it appears that victim consumed poisonous alcohol. The learned counsel submits that in the postmortem report no ante-mortem injuries have been found though the F.S.L. records the presence of ethyl alcohol. It is submitted that whenever any death takes place, on account of consumption of illicit liquor, the police, in order to cover up, gives the case a colour of murder.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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, 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 trial court where the case is pending/successor court in connection with Khaira P.S. Case No.34/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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