

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68141 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- DURAULI District- Siwan

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Munna Yadav @ Munna Kumar Yadav Son of Surendra Yadav Resident of
Village - Belaon, P.S.- Darauli, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 08-05-2024 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
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case based on suspicion, when
informant is not an eyewitness to the occurrence. It is next
submitted that in sum and substance the informant alleges that
his son was working in tent house of the petitioner and on the
date of occurrence, the petitioner along with the son of
informant had gone to a village for setting up a tent, further
from the said village, the victim came back to his house



accompanied by Himanshu Yadav on a motorcycle but after sometime Himanshu Yadav again came to the house of the informant and took the victim along with him, and thereafter, called the informant informing that his son is lying in an injured condition, based on which, the informant reached the place of occurrence, where he saw Himanshu Yadav, who fled on seeing the informant, as such, it is alleged that the accused persons including the petitioner was involved in killing the deceased by poisoning him.

4. The learned counsel submits that the informant is not an eyewitness to the occurrence. It is further submitted that even presuming what has been alleged is true without admitting then the victim was last seen with Himanshu Yadav and when informant reached the place of occurrence, he saw Himanshu Yadav fleeing after seeing him and petitioner was not present at the place of occurrence. It is next submitted that though the viscera report records that poison was found in the body but then during the course of investigation, nothing has come which could even remotely connect the petitioner with the offence even based on suspicion that he was instrumental in killing the deceased by poison. It is also submitted that informant himself in the F.I.R. alleges that there was dispute relating to land with



the petitioner, as such, he might have committed the occurrence but then submits that the said allegation has been levelled only to implicate the petitioner in the case for ulterior reason. It is next submitted that had there been any dispute of the informant with the petitioner, in that event, the victim would not have been working with the petitioner in his tent house.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but does not dispute the submission made by the learned counsel for the petitioner based on material, which has come in the case diary but then submits that investigation is in its nascent phases and in the event if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which, learned counsel for the petitioner submits that petitioner will not abscond rather will co-operate in the investigation.

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 Darauli P.S. Case No.130/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation or is not presenting himself when required, in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

8. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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