

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70111 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- BAGHA District- West Champaran

1. Mukesh Yadav S/o- Shiv Kumar Yadav Village- Tikuliya P.S-Gobardhana District- West Champaran
2. Umesh Yadav Son of Shiv Kumar Yadav Village- Tikuliya P.S-Gobardhana District- West Champaran
3. shiv Kumar Yadav son of Sinhashan Yadav Village- Tikuliya P.S-Gobardhana District- West Champaran
4. Sharda Devi D/o- Shiv Kumar Yadav Village- Tikuliya P.S-Gobardhana District- West Champaran
5. Sunita Devi D/o- Shiv Kumar Yadav Village- Tikuliya P.S-Gobardhana District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra
For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-12-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioner no.
1 and 2 are brother-in-law of the deceased while petitioner nos.
3 and 4 are father-in-law and mother-in-law of the deceased and



petitioner no. 5 is wife of the deceased.

4. It is next submitted that the informant alleges that his son, Niranjan (deceased) went to the house of his *Sadhu* namely Gokul Yadv on 25.05.2023 for getting the dispute with his wife reconciled where all the named accused persons including the petitioners were present from before, it is next alleged that his son had given Rs. 3 Lakhs to his *Sadhu* and his father-in-law, further the wife of the deceased had taken all her belongings and had gone to the house of her brother-in-law, further a dispute had arisen when the deceased had asked for returning his money thus alleges that the accused persons killed him by poisoning.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case. It is next submitted that deceased was a drunkard, as such, he was having dispute with his wife. It is further submitted that the deceased used to torture his wife when drunk, as such, his wife had complained to Mahila P.S. where the deceased was called, but the dispute could not be resolved and the petitioner no. 5 i.e. wife of the deceased refused to stay with the deceased, as such she left for her parental home. It is further submitted that it absolutely does not stand to reason that as to why the petitioners



would have killed the deceased making petitioner no. 5 a widow. It is next submitted that postmortem of the dead body was done and no external injury was found, on which the learned APP submits that viscera has been preserved.

6. The learned counsel appearing on behalf of the petitioners next submits that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion.

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that the dead body of the deceased was found near village-Padarkhap i.e. near the village of the informant. It is thus submitted that had the petitioners been involved in the occurrence they would never have allowed the deceased to go back to his house at village Padarkhap.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Bagaha
(Bhairoganj) P.S. Case No. 370 of 2023 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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