

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70561 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- SARE District- Nalanda

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MUKESH YADAV @ MUKESH KUMAR SON OF KUMMU YADAV R/O
VILLAGE - GILANI, P.S.- SARE, DISTRICT- NALANDA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akash Shankar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-03-2024 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 offences punishable under Sections 306, 328,
504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is own brother
of the deceased and has been falsely implicated in the present
case by the informant who is wife of the deceased. It is further
submitted that the informant alleges that there was a dispute
relating to ancestral property on which the deceased was
threatened by his brothers including the petitioner. It is next
submitted that on account of threat the husband of the informant
got frightened and consumed poison and died.

4. Learned counsel for the petitioner submits that



from bare perusal of the allegations as alleged in the FIR, it would manifest that the informant alleges that on account of dispute relating to property the accused persons, who are own brothers of the deceased, had an altercation on which some threatening is alleged to have been given but then the deceased himself consumed poison. It is further submitted that the deceased had suffered loss in the business and was not able to repay the loan which he had taken as such out of frustration he consumed poison and the informant taking advantage of the situation implicated the family members so that they can be coerced into submission for partitioning the property. It is next submitted that the deceased was not having good relation with the informant and the informant was living separately from the deceased since 06.11.2022. It is also submitted that similarly situated co-accused Laxman Yadav has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.02.2024 in Cr. Misc. No. 72249 of 2023.

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 court below where the case is pending/successor court in connection with Sare P.S. Case No. 218 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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