

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72249 of 2023

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

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LAXMAN YADAV SON OF KAMU YADAV R/O VILLAGE- GILANI,
P.S.- SARE, DIST.- NALANDA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sare P.S. Case No. 218 of 2022 dated 08.12.2022 instituted for the offence punishable under Sections 306, 328, 504/34 of the IPC.

3. As per prosecution case, the informant has alleged that due to threatening given by Laxman Yadav (petitioner) and Mukesh Yadav, her husband, Bablu Yadav consumed poison and died. The said occurrence took place because of the reason of partition dispute amongst the agnates.

4. Learned counsel for the petitioner submits that the petitioner is full brother of the deceased and the informant is wife of the deceased. It is further submitted that from perusal of



FIR, it apparent that the partition of the property has already been done in the year 2019 itself. It is also submitted that *vide* Annexure-2, it is apparent that relation between the deceased and his wife was under strained. It is also submitted that the deceased was suffering from trauma and was traumatized due to heavy loss in truck business and separation from his wife. It has also been submitted that the deceased and his wife were living Separately. The deceased was not in a proper mental condition. It is next submitted that in order to establish charge of allegation under Section 306 of the IPC, the prosecution has got no shred of evidence to suggest the allegation. The informant was living separately from the deceased/husband since 06.11.2022 and at the time of occurrence, she was not residing with him/deceased. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sare P.S. Case No. 218 of 2022, he will be released on anticipatory bail upon furnishing



bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Nalanda at Biharsharif subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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