

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75303 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- FULKAHA District- Araria

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UMESH YADAV @ SHRAWAN YADAV S/O DINESH YADAV REIDENT
OF VILLAGE-BHANGHI, P.S-FULKAHA DISTRICT-ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-02-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Fulkaha P.S. Case No. 35 of 2023 for the offence under Sections 302 and 328 of the I.P.C. lodged on 02.04.2023 by the informant, Nasim Miya.

3. As per the prosecution story, the informant has alleged that his son had gone to the village Chakala where this petitioner made him to consume some intoxicant. He was lying senseless, brought to the Government Hospital, Forbesganj and then to Sadar Hospital, Araria and finally to KMCH, Katihar where he died in course of treatment. The suspicion has been raised by the informant that the petitioner administered certain intoxicant which resulted into his death. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that during investigation, it has come to notice that he was a drug addict, died by consuming intoxicant, nothing to do with any act of the petitioner and the witnesses too have narrated that the



deceased was found to be in unconscious state, whereafter, he was taken on an auto by the petitioner's family themselves for medical treatment. It was further informed that the deceased had taken *Synabron DC* cough syrup followed by use of '*ganja*' which resulted into his becoming unconscious and he was later taken to the hospital, where he died.

5. Learned APP has also gone through the case diary and as narrated in paragraphs 61 and 62 also, it has come that he used to regularly take *ganja/cigarette*.

6. Taking into account the aforesaid facts/submissions as also that the petitioner do not have criminal antecedent, on suspicion his name has come, will be cooperating in investigation/trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Araria in connection with Fulkaha P.S. Case No. 35 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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