

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85084 of 2023**

Arising Out of PS. Case No.-288 Year-2023 Thana- BARUN District- Aurangabad

MITHILESH KUMAR YADAV SON OF KAPIL DEV SINGH @ KAPIL  
YADAV R/O VILLAGE- BHALUVAHIYA, P.S.- BARUN, DIST.-  
AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                           |   |                                 |
|---------------------------|---|---------------------------------|
| For the Petitioner        | : | Mr. Bhaskar Shankar, Advocate   |
| For the State             | : | Mr. Shailendra Kumar Singh, APP |
| For Opposite Party No. 2: | : | Mr. Kedar Yadav, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

7      05-08-2024                      Heard learned counsels for the parties.

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. The prosecution case in brief is that this petitioner used to harass the informant by calling on her mobile phone, which was objected by her husband and being infuriated with the same, this petitioner, along with co-accused Kamlesh Yadav, killed husband of informant by administering poison.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. it is apparent that the alleged occurrence took place on 19.06.2023, however, the present F.I.R. has been lodged on 22.06.2023 after



inordinate delay of 3 days and there is no explanation for the same. It is next submitted that no occurrence as alleged by the informant ever took place and rather there was quarrel between the informant and her husband and out of anger, husband of informant himself consumed poison. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that this petitioner along with co-accused person killed husband of informant by administering poison.

6. Considering the aforesaid facts and circumstances, nature of accusation and materials available on record, the prayer for grant of anticipatory bail to the petitioner is rejected.

**(Prabhat Kumar Singh, J)**

shashank/-

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