

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1835 of 2025

Arising Out of PS. Case No.-86 Year-2023 Thana- BASANHI District- Saharsa

Lalan Yadav @ Sanjay Yadav S/O Bulbul Yadav R/o village - Balaitha, P.S-
Basnahi, District Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 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 147, 148, 149, 449, 302, 120(B), 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his mother is aged about 60 years and on 25.05.2023 at 02:00 AM when she was going to sleep when seven named accused persons came variously armed and thereafter on point of gun took the family members in custody and said to vacate the land, on which the mother of the informant objected on the ground that the family of the accused persons have taken Rs. 3



Lakhs from her and thereafter allowed her to settle on the land, but then did not execute any document in that respect, on which it is alleged that Brahmdeo Yadav and Fagu Yadav gave orders to kill, on which Manoj and Pumpum fired causing injury on waist and thigh of his mother, further on hearing the sound of firing, villagers started gathering when the accused fled and the injured was taken to the hospital from where she was referred to PMCH, Patna and the doctor declared her dead.

4. Learned counsel for the petitioner submits that the FIR has been instituted by the son of the deceased, it is also submitted that the date of occurrence is 25.05.2023 and the FIR was instituted on 29.05.2023 i.e. after a delay of 4 days based on a written complaint. It is next submitted that petitioner was not named in the FIR rather his name transpired during the course of investigation based on an anonymous letter that he was having an affair with the wife of the informant which was being objected by the deceased on account of which the occurrence took place.

5. The learned counsel for the petitioner submits that son of the deceased instituted the instant FIR and specifically named seven accused persons with specific allegation that who fired causing injury. It is also submitted that no doubt the



informant was not present at the place of occurrence on the date of occurrence, but then the FIR was instituted when her mother was alive. It is, thus, submitted that petitioner came to be implicated during the course of investigation based on an anonymous information. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) 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 Basnahi P.S. Case No. 86 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite



giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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