

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9370 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- FULKAHA District- Araria

SANTOSH YADAV S/O PARMANAND YADAV R/O Vill.- Hanumannagar,
Ward No. 1, Bhangahi, P.S.- Fulkaha, Dist.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
379, 302, 504 and 506/34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the
petitioner submits that petitioner is a person with clean
antecedent. It is further submitted that son of the informant was
married to the sister of the petitioner, namely, Puja Kumari. It is
next alleged that Puja Kumari used to create ruckus in the house
and even used to inform her parents and brother alleging false
allegation against the informant and his family members on
account of which the family members of Puja Kumari used to
come and assault his son. It is also submitted that on the date of



occurrence, the accused persons including the petitioner had come and assaulted Arjun Kumar when Arjun fled and the petitioner along with others went behind him thereafter informant and his wife also went to save Arjun when it is alleged that petitioner along with other accused persons held the wife of the informant and twisted her neck leading to her death.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that there is specific allegation against this petitioner of twisting the head of the wife of the informant leading to her death but then from perusal of the postmortem report, it would manifest that no external injury was found nor the postmortem report records about any internal injury rather records that viscera has been preserved which amply demonstrates that wife of the informant did not die in the manner as alleged. It is, thus, submitted that the allegation as alleged in the FIR does not get corroborated by the postmortem report. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to



rebut the submissions of the learned counsel appearing on behalf of the petitioner that the postmortem report does not corroborate the allegation of assault as alleged in the FIR.

6. Considering the submissions made by the learned counsel for the petitioner, let 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 Fulkaha P.S. Case No. 91 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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