

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37701 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- MOHANPUR District- Jamui

Mithilesh Yadav S/o Ram Khelawan Yadav R/o Village- Dharwa, P.S.-
Laxmipur, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-10-2025

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Mohanpur P.S. Case no.31 of 2024 registered for the offence punishable under sections 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the Arms Act to which section 103(1) of the Bharatiya Nyaya Sanhita was added subsequently.

3. As per the prosecution case, the informant states that the photograph of her husband flashed in the mobile phone from which it transpired that he had been killed. She states that about 15 days ago, he had some altercation/dispute with accused Manoj Yadav and Sanjay Yadav over some immovable properties which the accused claimed to have purchased from her husband.



4. Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He has been falsely implicated in the case. No material has transpired in course of investigation to connect the petitioner with the alleged crime. At best the material against the petitioner which has transpired in course of investigation is the confessional statement of a co-accused made before police. No incriminating material has transpired so far as this petitioner is concerned. There is no eye witness to the alleged occurrence and the petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State. It is submitted by learned counsel appearing for the State that substantial material has transpired in course of investigation to connect the petitioner with the alleged crime. The wife of the deceased ie the informant herein was in regular touch and communicating on two mobile phone numbers, one of which belonged to this petitioner. It further transpired that as a result of dispute between the informant and her husband over her husband selling the immovable properties, she got in touch with the accused persons including the petitioner herein. Thereafter she got her husband to the fixed place where the accused persons including the petitioner herein assaulted and



killed the informant's husband and thereafter left for Maharashtra. It is thus submitted that there is substantial material against the petitioner of his involvement in the alleged crime.

6. Having heard learned counsel for the parties and taking into consideration the material that has transpired against the petitioner in course of investigation as narrated herein above, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

(Partha Sarthy, J)

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