

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40113 of 2025

Arising Out of PS. Case No.-371 Year-2024 Thana- BELDOUR District- Khagaria

Fucho Yadav, S/O Late Bhuto Yadav @ Bhato Yadav, R/O Village- Sathma,
P.S- Beldaur, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate
For the State : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-06-2025 Heard Mr. Jai Kishor Poddar, learned counsel for
the petitioner and Mr. Harendra Prasad, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Beldaur P.S. Case No. 371 of 2024 dated 18.10.2024
registered for the offences punishable under Sections 103(1),
61(2) and 3(5) of the Bharatiya Nyaya Sanhita (in short
'B.N.S.').

3. The main submissions advanced by petitioner's
counsel are that the petitioner is seventy year old person, though
against him, there is criminal antecedent of one case but the
same was lodged in the year 2015 in which he is on bail and so
far as the present matter is concerned, the petitioner is not
named in the FIR and his name surfaced in the restatement of



the informant during the course of investigation and he has been made accused but there was no reason for the petitioner to be involved with the co-accused persons who have been named in the FIR and the instant matter, as per the prosecution story narrated in the FIR, one co-accused, Ajay Yadav used to threaten the victim and his brother to get the daughter of co-accused, Kanchan Yadav, married otherwise they would be killed but the petitioner has no concern with the named co-accused persons and he is resident of Sathma village while the named accused persons are the resident of Govind Pur village falling in the different police station and the said fact is sufficient to show the *malafide* intention of the informant to implicate the petitioner falsely in his restatement. It is lastly submitted that the informant is not an eyewitness of the alleged occurrence of murder.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly petitioner's old age and also the fact that he is not named in the FIR and his name surfaced in the restatement of the informant as stated above but the prosecution has not revealed the petitioner's motive to be involved with the



named co-accused persons in the alleged killing, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, 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 bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Beldaur P.S. Case No. 371 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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