

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58115 of 2025

Arising Out of PS. Case No.-81 Year-2011 Thana- PALIGANJ District- Patna

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Lali Yadav @ Lal Babu Yadav S/o- Late Rama Yadav Village- Anchal Tola
Ps- Paliganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Rama Kant Sharma, Senior Advocate Mr. Mayank Raj, Advocate Mr. Rahul Singh, Advocate Mr. Adarsh Parihar, Advocate
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-03-2026 Heard Mr. Rama Kant Sharma, learned Senior Counsel assisted by Mr. Mayank Raj for the petitioner and Mr. Chandra Bhushan Prasad, learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. Learned Senior Counsel for the petitioner submits that petitioner is a person with clean antecedent. It is next submitted that in sum and substance the allegation is that wife of the petitioner died. It is next submitted that wife of the petitioner had gone to fetch water from a well when she fell and died thus, UD Case No.15 of 2010 was registered but



subsequently the mother of the deceased instituted a complaint case based on which an FIR being Paliganj P.S. Case No.81 of 2011, dated 11.04.2011 came to be instituted.

4. Learned Senior Counsel for the petitioner submits that police after investigation came to a considered conclusion that petitioner is innocent thus, submitted final form exonerating the petitioner of the allegation finding the death to be caused by asphyxia on account of drowning as was recorded in the post mortem report. It is next submitted that the learned Magistrate differing with the police report took cognizance by an order dated 10.05.2012. It is further submitted that since final form was submitted, as such, petitioner was not aware that cognizance has been taken nor he received any summon, bailable warrant or non-bailable warrant. It is also submitted that till date no process under Sections 82 and 83 Cr.P.C. has been issued. It is also submitted that when one investigating agency, after a threadbare investigation, came to a considered conclusion that petitioner is innocent, whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegation. It is reiterated and submitted that petitioner never received any



summon, bailable warrant or non-bailable warrant and process under Sections 82 and 83 Cr.P.C. till date has not been issued but then the police came knocking the door of the petitioner but petitioner was not present in the house and was informed by his family members and thereafter he approached the learned District Court seeking anticipatory bail. It is also submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence. It is also submitted that Gauri Devi and Vijay Yadav had approached this Court seeking anticipatory bail by filing Cr. Misc. No.2444 of 2025 and Cr. Misc. No.4735 of 2025 respectively and the same came to be allowed by an order dated 08.05.2025 passed by a learned Coordinate Bench.

5. Learned APP opposes the anticipatory bail application.

6. Considering the submissions made by learned Senior Counsel for the petitioner, let petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Danapur in connection with Paliganj P.S. Case No.81 of



2011, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner after his release on anticipatory bail is trying to delay the framing of charge or after framing of charge is trying to delay the trial in any manner, the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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