

COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-IV, BANKA
PRESENT:- SHRI OM PRAKASH, H.J.S.
ABP No. 474/26
Tulsi Yadav and Ors.
Vs.
State
(Arising out of Banka P.S Case No. 440/25)

ORDER

20.05.2026

This application for grant of anticipatory bail was filed on behalf of petitioners, namely, **1.Tulsi Yadav s/o Late Behcan Yadav, 2.Dhorhiya Devi w/o Tulsi Yadav, 3.Madan Yadav s/o Tulsi Yadav, 4.Ashok Yadav s/o Tulsi Yadav, 5.Rupesh Yadav s/o Tulsi Yadav, 6.Sita Devi w/o Madan Yadav and 7.Gunja Devi w/o Ashok Yadav** stating therein that they are apprehending their arrest in connection with Banka P.S. Case No.440/25, u/s. 123, 103(1), 3(5) of B.N.S.

The prosecution case in short is that the marriage of the daughter namely Kaili Devi of the informant was solemnized fifteen years ago with Sudin Yadav s/o petitioner no. 1 Tulsi Yadav. After marriage the deceased gave birth of four children from the wedlock of Sudin Yadav. On 31.08.2025 at 05.00 a.m all the accused persons intoxicated poison as a result of which his daughter became unconscious. The Naati of the informant Binod Kumar informed him and on information the informant took her for treatment and during treatment she died.

It has been submitted by the learned counsel on behalf of the petitioners that the petitioners are quite innocent and they have committed no offence. The petitioners have falsely been implicated in this case due to family dispute. He further submitted that no any bail application has been filed or moved earlier before this court or any higher court. In para 3 of this bail petition he submitted that the petitioners have no criminal antecedent. The allegations brought against the petitioners are false and concocted one. The informant is not the eye witness of the alleged occurrence. There is abnormal delay in lodging the information.

Learned P.P. for the State vehemently opposed the bail petition.

Having heard the rival contentions, case diary upto para 68 report dated 06.04.2026 is available on record. The ld. counsel for the petitioner submitted in in para 3 of this bail petition that the petitioners have no criminal antecedents but no report is mentioned in the case diary regarding the criminal antecedents of the petitioners. The deceased died in the house of in-laws and witnesses namely Sudin Yadav, Naresh Yadav, Hari Yadav, Veena Devi and Lukhiy Devi made their statements in para 5, 7, 8, 9 and 10 respectively and their statements suggests prima facie case of involvement of petitioner in the alleged homicide. The supervisory note is mentioned in para 16 of the case diary wherein the occurrence is opined to be prima facie true. The inquest report is mentioned in para 1 of the case diary and the cause of death opined to be poisoning. The post mortem report dated 31.08.2025 is on record wherein opinion on cause of death is reserved. Viscera has been sent of FSL as per para 60

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of the case diary and report is awaiting. The investigation is still pending on vital aspects of the case.

Considering the aforesaid facts and circumstances of the case as well as offence, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, petition for anticipatory bail of the above named accused petitioners is hereby **rejected**.

It is clarified that the observation made hereinabove are prima facie and tentative in nature for the purpose of consideration of the prayer of the petitioners for grant of bail and shall not cause any prejudice to either of the parties at the time of hearing of this application.

File to be consigned to the record room and that of trial court be sent back with a copy of this order.

Keeping in view the General Order No. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioner on placing the xerox copy thereof on record.

(Dictated)

S/d-
(Om Prakash)
A.S.J.-IV,
Banka.

Copy forwarded to the Ld. C.J.M. , Banka for information and needful.

A.S.J.-IV,
Banka.