

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15552 of 2022

Arising Out of PS. Case No.-77 Year-2021 Thana- RAJPUR District- Rohtas

SHYAMU CHAUDHARY @ SHYAMU KUMAR S/o Ramdarsh Choudhary
@ Ram Darash Chaudhary Resident of Village - Baligaon, P.S. - Rajpur,
District - Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that on 24.05.2021 at about
7:00 pm after having a scuffle with the accused persons,
informant took his brother towards High School for strolling
when Amit Chaudhary, (Shyamu Chaudhary) petitioner, Ram
Darash Chaudhary and Chotan Chaudhary came variously
armed and started abusing his brother, it is next alleged Amit
and Dipak opened fire at the informant's brother and thereafter



the petitioner came and assaulted his brother with bamboo stick and fled from the place of occurrence, it is next alleged that occurrence was witnessed by the informant as he hid himself behind a hut.

Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that there is specific allegation of firing against Amit and Dipak causing death of his brother, it is also submitted that post-mortem report records that deceased had three fire-arm injuries i.e., three entry and three exit wounds and no injury by hard and blunt substance was found. Learned senior counsel next submits that it absolutely does not stand to reason that when the accused had already fired indiscriminately on the deceased then where was the occasion for the petitioner to go and assault him with bamboo sticks. Learned senior thus submits that the allegation is ornamental in nature in order to falsely implicate the petitioner when he is a person with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned senior counsel for the petitioner, 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 Rajpur P.S. Case No. 77 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

gauravkr/-

U		T	
---	--	---	--

