

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46856 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

1. Aadalat Yadav @ Aadalat Chaudhari S/O Late Indradev Chaudhari R/O Village-Barahni Ke Tola, P.S- Siwan (Muffasil), District-Siwan.
2. Ram Ratan Chaudhari S/O Shiv Lagan Chaudhari R/O Village-Barahni Ke Tola, P.S- Siwan (Muffasil), District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 28-06-2022 It is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no. 2 has been arrested and, as such, he seeks permission to withdraw this application against him.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 2.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner no. 1 apprehending his arrest in connection with Siwan (Mufasil) P.S. Case no. 37 of 2021 for the offence punishable under Sections 302, 120(B), 341, 323,



307, 504, 506, 379, 354 and 34 of the Indian Penal Code.

The accusation is of killing the husband of the informant by hitting him on his chest by means of hockey stick by the accused persons including the petitioner. When his family members came there for his rescue, they were also beaten up by them.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion petitioner has been falsely implicated in this case. It is further submitted that in the background of existing land dispute, the petitioner has been dragged in the present case. The witnesses in their evidence have also stated the enmity between the informant and petitioner's side. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Specific allegation of assault is against co-accused Arun Kumar Yadav, who has inflicted hockey stick blow on the chest of the deceased, due to which he died.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Siwan (Mufasil) P.S. Case no. 37 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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