

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16475 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- AAYAR District- Bhojpur

ANIL CHAUDHARY Son of Gauri Shankar Chaudhary Resident of Village -
Barnaon, P.S.- Ayar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Ayar P.S. Case No. 121 of 2022 for the offence registered under section 304 of the Indian Penal Code lodged on 25.10.2022 by the informant, Abhay Kumar Singh.

The prosecution case is that one Abhay Kumar Singh gave a fardbeyan before Camp Sadar Hospital Ara Police on 25/10/2022 at about 1.25 A.M stating that his son namely Sanjeet Kumar (deceased) had gone to drive away the 'Nilgai' from the crops in the field along with his friends. It is further alleged that in order to run away to 'Nilgai', he could not see that there was current in it which accused has connected the iron fence around the paddy field with main electric wire in order to



protect from the '*Nilgai*' and sat in the same corded wire. On being raised alarm by a friends, the informant reached and somehow removed him from the wire and immediately took him to the hospital for treatment where he was declared dead. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioner that the alleged electric wire in which the current was running was to protect the field from the '*blue bull*' (nilgai) little realizing that it will prove fatal for the son of the informant, he being his own villager. He himself is sad about the occurrence and on its own would like to contribute Rs. 50,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the father of the deceased after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but concedes that it was an accidental death.

Taking into account the aforesaid facts as also that it was sheer chance that the boy sat on the alleged electric wire which resulted into his death, the petitioner do not have criminal antecedent and had no such intention, this Court is inclined to



extend him privilege of anticipatory bail subject to payment of Rs. 50,000/-, as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VII, Bhojpur, Ara in connection with Ayar P.S. Case No. 121 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail
application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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

