

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31803 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- BARHARIA District- Siwan

Awadhesh Yadav @ Awadhesh Kumar Yadav Son Of Ram Chandra Yadav
R/O Village- Shah Bachak, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Raghav Prasad, Advocate.
For the Opposite Party/s :	Mr. Arun Kumar Pandey, APP.
For the Informant :	Mr. Ashok Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Barharia P. S. Case No. 385 of 2021 registered for the offences punishable under Sections 447, 504, 323, 325, 307 & 302 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and co-accused persons holding *lathi* and *danda* are alleged to have abused and assaulted the informant. When the informant's



mother came to rescue, the petitioner and the co-accused Ram Chandra Yadav also assaulted the mother of the informant by *lathi, danda*, fists and slap indiscriminately with intent to kill causing severe injury to her. Thereafter, the mother of the informant was taken to hospital where the doctor declared her dead.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No such occurrence as alleged has ever taken place. The post-mortem report does not support the injury sustained by the deceased. Learned counsel has further submitted that the post-mortem report also shows that the cause of death of the deceased is Cardio respiratory failure. The independent witnesses have also stated that the deceased was suffering from heart disease. Learned counsel has also submitted that the other co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 06.09.2022 passed in Cr. Misc. No. 9235 of 2022 and order dated 08.02.2023 passed in Cr. Misc. No. 32440 of 2022. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner.



Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Siwan in connection with Barharia P. S. Case No. 385 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

Further condition is that the petitioner will remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

(Chandra Prakash Singh, J)

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