

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46085 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- PHULWARISHARIF District- Patna

SHIV PRAKASH CHAUDHARY Son of Late Buddhan Chaudhary @
Budhan Chaudhary R/v- Nizampur, Adhana P.O- Shorampur, P.S- Janipur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-02-2023 Heard learned counsel for the petitioner and learned A.P.P. for
the State.

The petitioner apprehends his arrest in a case registered for
the offences punishable under Section 341, 302, 323, 504, 506,
447/34 of the Indian Penal Code.

Allegedly, petitioner along with other co-accused persons
abused and assaulted the informant along with his father and brother,
as a result of which the father of the informant sustained injuries and
he succumbed to death.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No such
occurrence as alleged ever took place. He has been falsely
implicated in this case due to village politics. The allegation levelled
against the petitioner is not specific rather general and omnibus in



nature. It is further submitted that the father of the informant died due to natural death and petitioner is nowhere involved in the alleged occurrence. He further submits that from the perusal of the postmortem report, it is evident that the cause of death of the informant's father is asphyxia as a result of aspiration of food material in the respiratory tract. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the postmortem report has not supported the prosecution case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Phulwarisharif (Janipur) P.S. Case No. 276 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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