

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53361 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- PATAHI District- East Champaran

SHIVARAT CHAUDHARY @ SHIVWADH CHAUDHARY @ NEHAL
SON OF MAHANT SURYA PRAKASH DAS RESIDENT OF VILLAGE -
BOKANE KALA, P.S. - PATAHI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Patahi P.S. Case No. 129 of 2022, registered for the
offences punishable under Sections 302, 328/34 of the Indian
Penal Code.

3.The deceased is son of the informant. As per recitals
of the FIR, he went to attend tuition, but he did not return to his
house. The informant had a telephonic conversation with his son
and he apprised the informant in stuttering voice that he was
about to unconscious and he was not able to speak. The
deceased was brought to the hospital where he died during
course of treatment. The co-accused Sanni Kumar is also a son



of the informant from his first wife and as per the FIR, he is a person of criminal nature. Sanni Kumar along with his wife Saloni Chaudhary and other accused persons including the petitioner who is nephew of the informant had administered poison to the son of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent. He is nephew of the informant. The informant was inimical to the petitioner and it was the reason that he falsely implicate him. Co-accused Sanni Kumar who is also son of the informant has been granted bail and his wife Saloni has also been granted bail.

5. On the other hand, Shri Shailendra Kumar, the learned APP has opposed the prayer for bail and has submitted that the independent witness has stated, in paragraph No. 21 of the case diary, that on the day of occurrence he had seen the deceased along with the petitioner and one Devart Chaudhary@Kanhai going by a motorcycle.

6. It appears to be a case of circumstantial evidence. The deceased was seen with the petitioner and co-accused soon before the occurrence. So far as other co-accused persons are concerned, they have been granted regular bail, but it is anticipatory one.



7. In my view, the petitioner does not deserve the
privilege of anticipatory bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

SONALI/Jyoti/-

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