

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61323 of 2022

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

RAM RATAN CHAUDHARI @ RAM RATAN YADAV S/o Shiv Lagan
Chaudhari @ Shiv Lagan Yadav Resident of village- Barahani ke Tola, P.S.-
Siwan (Mufasil) , 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.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Siwan (Mufasil) P.S. Case No. 37 of 2021, registered for the offence punishable under Sections 302, 120(B), 341, 323, 307, 504, 506, 379, 354 and 34 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that her nephew had gone to attend to call of nature on 21.1.2021 at about 6:30 am. in the morning when some of



the accused persons had surrounded him and had started assaulting him, whereupon the informant, her husband and others had gone to save him, however, the co-accused person, namely, Arun Kumar Yadav, had assaulted the husband of the informant by hockey stick and had given a blow on his chest, resulting in him falling down on the ground, whereafter he had died. The other accused persons are stated to have assaulted the informant and her family members.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 18.6.2022. It is further submitted that the specific allegation of having assaulted the deceased is upon the co-accused person, namely, Arun Kumar Yadav, however, a general and omnibus allegation has been levelled as far as the petitioner is concerned, hence, he is not having any complicity in the matter. It is also submitted that similarly situated



co-accused persons have already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 28.6.2022, passed in Criminal Miscellaneous No. 46856 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the main assailant is the co-accused person, namely, Arun Kumar Yadav, however, as far as the petitioner is concerned, a general and omnibus allegation has been levelled, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection



with Siwan (Mufasil) P.S. Case No. 37 of 2021.

(Mohit Kumar Shah, J)

Ajay/-

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

