

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28367 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- PHULWARIYA District- Gopalganj

Ajay Chaubey @ Ajay Divedi @ Ajay Kumar Divedi, Son of Bashishth Divedi, Resident of vill -Karjaniya P.S- Kham par(Srirampur) Dist- Deoriya (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Kumar Harshvardhan, Advocate
		Mr. Sudhanshu Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Phulwariya P.S. Case No. 180 of 2023, instituted under Sections 304/ 34 of the Indian Penal Code.

3. As per the prosecution case, on the date of occurrence petitioner along with F.I.R. named accused persons came at the house of informant and started arguing with him due to land dispute and dashed the informant due to which he fell down. After hearing the hue and cry, when father of the informant came to save him, the accused persons assaulted him with fists on his chest due to which he fell down on the ground



and started suffocating. Father of the informant taken to hospital for treatment where he succumbed to death.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to previous enmity with the informant. Petitioner is close relative to the informant. There is land dispute between them. He further submits that petitioner had come to see the father of informant, who was ill. He had not participated in the occurrence. There is no specific allegation against the petitioner. He further submits that similarly situated other co-accused persons, namely, Mahabir Tiwari and Indu Devi have already been granted anticipatory bail by this Court, vide order dated 08.12.2023 passed in Cr. Misc. No. 66448 of 2023. Petitioner has no criminal antecedent. He undertakes to co-operate in the investigation.

5. Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
concerned Court where the case is pending in connection with
Phulwariya P.S. Case No. 180 of 2023, subject to the conditions
laid down in Section 438 (2) of the Code of Criminal
Procedure, 1973.

(Sunil Dutta Mishra, J)

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