

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85549 of 2023

Arising Out of PS. Case No.-329 Year-2023 Thana- KOTWALI District- Munger

Shivdhari Chaudhary @ Shivdhan Kumar @ Shivdhari Kumar S/O
Brahmadeo Chaudhary R/O Mohalla- Laldarwaza, (GITA Babu Road), P.S-
Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Advocate Ms. Chandani Kumari, Advocate Mr. Nitish Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Kotwali P.S. Case No. 329 of 2023, registered on 21.07.2023 for the offences under Sections 341, 323, 325, 307, 427, 379 and 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons assaulted the husband of the informant with rod and they damaged the shop and articles kept in the shop. They also caused fracture on the head of the husband of the informant.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of six days and it shows afterthought and deliberation on the part of the informant. No specific overt act has been attributed against the petitioner and allegation against the petitioner is general and omnibus with other co-accused persons. Learned counsel further submits that similarly placed co-accused Dewraj Yadav @ Toni has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.11.2023, passed in Cr. Misc. No. 70038 of 2023. The petitioner is a Railway employee posted at Group-D post. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering non-specific nature of allegation against the petitioner and grant of anticipatory bail to the co-accused, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹20,000/- (Twenty Thousand Only) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Munger/concerned court in connection with Kotwali P.S. Case No. 329 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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