

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51910 of 2025**

Arising Out of PS. Case No.-168 Year-2018 Thana- CHHATAUNI District- East Champaran

Santosh Yadav @ Santosh Kumar S/o Kapil Yadav @ Kapildev Ray R/o vill-
Chota Bariyarpur, P.S.- Chhatauni, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Binod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-11-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 304/34 of the Indian Penal Code.

3. According to prosecution case, the informant submitted a written complaint to the SHO, Chhatauni Police Station, alleging that the petitioner was running an illegal grill shop. On 16.06.2018, early in the morning, an electric current was directly connected from an electric pole to the grill placed in front of the shop. The informant's five-year-old son touched the grill, received an electric shock, and died on the spot. It is



alleged that the act was intentional, and legal action along with compensation has been requested.

4. Learned counsel for the petitioner submits that on false pretext, the name of the petitioner has been roped in the instant case while the grill shop, as per the allegation, which is said to have been belonging to the petitioner, is completely false and further, he has not obtained any electric connection and neither the petitioner is the owner of any shop in which such works is said to have been carried out by using electricity nor there is any finding with regard to any theft having been committed with respect to use of electricity, as such allegations are false and concocted.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that there is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, in connection with Chhatuani P.S. Case No. 168 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) the local Police is directed to verify the fact that shop to which the petitioner has made a specific assertion / statement that the same does not belong to him, shall be verified and if the statement is found to be correct, then only the bail bonds shall be accepted.

(ii) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(iii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iv) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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