

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26523 of 2022**

Arising Out of PS. Case No.-283 Year-2021 Thana- KATIHAR NAGAR District- Katihar

RANJEET CHAUDHARY @ RANJEET KUMAR CHAUDHARY S/o  
Nagendra Chaudhary R/o village- Maithil Chauk (Tola), P.S.- Sahayak,  
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Kumar, Advocate  
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      13-12-2022              Learned counsel for the petitioner is permitted to  
remove the defect (s), as pointed out by the office, if any, within  
a period of four weeks from today.

Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

The petitioner is apprehending his arrest in a case  
registered for the offences punishable under Sections  
147,148,149,341,323,302,120(B) of IPC and Section 27 of  
Arms Act.

The prosecution case, in brief, is that on the date of  
occurrence deceased son of informant called by this petitioner,  
thereafter he taken away him to Maithil chowk and informant



also followed them from behind. It has been stated that at Maithil Chowk (place of occurrence) all the accused persons named in the FIR surrounded the son of informant namely Rahul Yadav and at the instance of co-accused Usha Devi accused Vishal Yadav fired pistol upon Rahul Yadav and after that he died in the way to Siliguri.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that no allegation of any assault or overt-act is there against the petitioner. Further submits that the police, after investigation, submitted chargesheet against co-accused Vishal Yadav @ Pandav Yadav and submitted the final form in favour of the petitioner.

Learned Incharge Chief Judicial Magistrate, differing from the final form, took cognizance against the petitioner vide order dated 25.11.2022.

Learned counsel for the petitioner further submits that it has come during investigation that the petitioner and one Kishore Chaudhary took the deceased to hospital for treatment.

Learned counsel for the informant as well as learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that



there is direct allegation against the petitioner that he called the deceased. Further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, in the event of his 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 learned court below where the case is pending in connection with Katihar Town (S) P.S. Case No. 283 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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