

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41023 of 2024

Arising Out of PS. Case No.-276 Year-2021 Thana- KHAGARIA District- Khagaria

Raushan Chaudhary @ Raushan Kumar S/O Niranjana Choudhary R/O Village Naya Tola, Charkhutti, Rahimpur, P.S. Muffasil, Distt-Khagaria, at present residing at Mohalla-Jai Prakash Nagar, Ward no.23, P.S. Muffasil, Distt-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Mr. Ram Sevak Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 29-11-2024 Heard the learned Advocate for the petitioner, learned Advocate for the informant and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Khagaria (Muffasil) P.S. Case No. 276 of 2021, registered for the offences punishable under Sections 341, 302 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the *fardbeyan* of the informant, it is alleged that while the informant and her husband *Mukesh Kumar Singh* along with *Prakash Rai* were involved in thrashing of wheat, in the meantime, *Anil Chaudhary* and *Niranjana Chaudhary* along with 10-15 persons came there and



started dragging her husband. It is specifically alleged that this petitioner assaulted *Prakash Rai* by means of butt of rifle over his head. There is allegation against other co-accused person of making indiscriminate firing. It is further alleged that all the co-accused persons caught hold the husband of the informant and co-accused *Anil Chaudhary* drove away the tractor upon him, due to which he died.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR primarily contended that so far the allegation against the petitioner is of causing a butt blow of rifle over the head of the *Prakash Rai* is concerned, the injury has been found to be simple in nature. Moreover, during the course of investigation, the police has not found case true against the petitioner and others and accordingly, a final report has been submitted without sending up the petitioner on trial. It is further contended that despite the fact that police has not sent up the petitioner on trial, the learned jurisdictional Court differing with the final report has taken cognizance for the offences as alleged in the FIR, hence the present anticipatory bail application. It is further contended that there is delay in lodging of the FIR, coupled with the fact that the specific allegation has been levelled against other co-accused person of



making indiscriminate firing and causing death of the husband of the informant. It is lastly contended that the petitioner is a student and has completed B.B.A. course from Birla Institute of Technology, MESRA, Ranchi in the year 2019, having bright carrier and, as such, sending him behind the bar may ruin his carrier.

5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submits that apart from one criminal antecedent, as has been disclosed in paragraph no. 3, there is specific allegation of causing injury over the head of *Prakash Rai*. Moreover, the police was in collusion with the petitioner and others, which resulted into final report.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that after investigation, the police has submitted charge-sheet, showing the petitioner as innocent, coupled with the simple injury and the fact that the petitioner is a student, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate 1st Class, Khagaria in connection with
Khagaria (Muffasil) P.S. Case No. 276 of 2021, subject to the
conditions laid down in Section 438(2) Cr.P.C. with the further
condition that one of the bailors shall be the own/close family
members of the petitioner.

(Harish Kumar, J)

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