

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15746 of 2025

Arising Out of PS. Case No.-206 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

Radhe Chaupal S/O Ghuran Chaupal R/O Vill.- Tumaul, P.S.- Ghanshyampur,
Dist.- Darbhanga. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mr.Anish Chandra
Mr. Rabish Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-04-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State, Shri Anish Chandra and the learned counsel
appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302, 120B,
379 and 34 of the IPC.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the informant alleges
that on 31-8-2023, his brother, Rajiv, was coming back from the
house of his sister after Raksha Bandhan, when wife of Ranjeet
called his brother on some false pretext, further named accused
persons including the petitioner were present from before. It is
next alleged that accused persons assaulted his brother by lathi,
iron rod and danda, on account of which he became
unconscious, thereafter on 1-9-2023 wife of Ranjeet called the
informant at 7 AM and informed that his brother is lying in an



unconscious state at her home, accordingly the informant along with others went to the place of occurrence and took his brother to Benipur P.H.C., from where he was referred to Darbhanga and thereafter PMCH, where he died during the course of treatment.

4. Learned counsel for the petitioner next submits that from perusal of allegations as alleged in the FIR, it would manifest that informant is not an eye-witness to the occurrence. It is further submitted that the FIR does not even remotely suggest that on what basis the informant alleges that the accused persons were involved in the occurrence. It is also submitted that it was wife of Ranjeet, who called the informant informing that his brother was lying in an unconscious state, as such the informant along with others went to place of occurrence and from where they took the injured to hospital, who died subsequently during the course of treatment. It is next submitted that had the wife of Ranjeet been involved in the occurrence along with other named accused persons in the FIR in that event she would not have informed the informant nor would have allowed the brother of the informant to remain at her house in an unconscious state. It is further submitted that no doubt petitioner has antecedent of two cases, but then the nature of allegation as



alleged in the FIR is to be appreciated.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant is not an eye-witness to the occurrence, nor the FIR even remotely discloses that on what basis the informant came to know about the involvement of the accused persons including the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ghanshyampur P.S. Case No. 206 of 2023, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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