

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22781 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- BAIRIYA District- West Champaran

Manoj Chaudhary @ Manoj Chaudhari S/O Indrasan Chaudhary @ Indrasan Chaudhari R/O Village- Bagahi Ratanpur, Ward No. 3, Vanshi Mukhiya Ji Ka Tola, Police Station- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 05-05-2025 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehend his arrest in connection with Bairiya P.S. Case No. 351 of 2024, registered under Sections 103(1), 123, 3(5) of the Bhartiya Nyaya Sanhita.

3. Prosecution case in brief is that the informant, Tulsi Chaudhary has filed a written application alleging therein that on 11.10.2024 at around 11.30 A.M., Murti Chaudhary went near the field of Kati Chaudhary and due to previous dispute, Manoj Chaudhary (petitioner) and Indrashan Chaudhary caught the hand and assaulted the son of the informant, Murti Chaudhary. In the meantime, it is alleged that Manoj Chaudhary took poison from his pocket and poured it into the



informant's son mouth. When the informant's son got unconscious then with the help of villagers, he was taken to primary health centre, Bariya from where he was referred to G.M.C.H. Bettiah and referred again to Nursing Home Chhawani where the informant's son, Murty Chaudhary succumbed. The allegation made in the F.I.R. is, therefore, alleges that it is the petitioner who administered poison.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and that no such occurrence as alleged in the F.I.R. has taken place. The petitioner further submits that the alleged occurrence is said to have taken place on 11.10.2024 but the F.I.R. has been registered on 15.10.2024 and there is no explanation for the delay. The petitioner also submits that on 06.10.2024, the deceased and the petitioner were watching Ramayan serial and the deceased, Murti Chaudhary started teasing the petitioner. Murti Chaudhary is also stated to have assaulted the petitioner which laid to the petitioner become unconscious and thereafter the deceased Murti Chaudhary fled away. The Panchayati took place towards to this incident in which the petitioner claims that all the Panchej have decided that the deceased Murti Chaudhary had heavily assaulted the



petitioner. Since the deceased Murti Chaudhary was not happy and left the Panchayati and feeling embarrass in humiliated and fled away and thereafter, as per the petitioner he in angry stage took poison and thus committed suicide.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail.

6. From perusal of the impugned order, this Court finds that the vesera of the deceased has been preserved and the opinion regarding the cause of death has been kept pending awaiting the chemical analysis and report. Therefore, as on today it is not certain or even prima facie clear as to whether deceased Murty Chaudahry died because of being administered poison or not. In such circumstances, it will not be proper to deny the petitioner the privilege of anticipatory bail.

7. Considering the facts and circumstances of the present case, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

8. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five thousand) with two sureties of the like each amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-IIIrd, West Champaran at Bettiah, in connection with Bairiya P.S. Case No. 351 of 2024, subject to the condition laid down under Section 482 of the Bhartiya Nyaya Sanhita.

(Alok Kumar Sinha, J)

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