

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22817 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- Madhusudanpur District- Bhagalpur

Kapildev Choudhary @ Kapil Kumar Son of Late Tulsi Choudhary Resident of Mohalla - Mohammadpur, Police Station - Madhusudanpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.M. Ashraf, Sr. Advocate
	:	Mr. Rana Hason, Advocate
For the Opposite Party/s	:	Mr. S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 307, 354, 504, 506 and 34 of the IPC and Section 27 of the Arms Act.

3. The prosecution story in brief is that on 18-4-2024 at about 3:00 p.m., in front of the house of the informant accused persons namely Chandradeo Chaudhary, Kapildev Chaudhari, Amar Chaudhary, Sonu Chaudhari, Ranjeet Chaudhari and Sanjeet Chaudhary all in drunken condition started abusing and on objection they assaulted on the head of the informant by means of iron rod and *lathi* due to which informant sustained head injury. It is further alleged that



Kapildeo Chaudhari fired a bullet but fortunately anyhow informant escaped and when his wife Jhunna Devi came to him, all accused persons beat her and she became semi-nude and threatened to kill the informant and his family members and hence the FIR.

4. It is submitted by the learned counsel for the petitioner that in the FIR, six persons were named as accused persons out of which five of them have already been granted the privilege of anticipatory bail *vide* order dated 23-10-2024 passed in Criminal Miscellaneous No. 69825 of 2024 (Annexure-3 to the bail petition). The learned counsel for the petitioner further contends that he is similarly situated as that of other accused persons and, therefore, he should also be granted the privilege of anticipatory bail. The learned counsel for the petitioner further submits that petitioner is innocent and has been falsely implicated in the present case and although there is an allegation in the FIR that the petitioner had fired but none has received the injury and both the parties are neighbours. The learned counsel for the petitioner further submits that the allegation of injury sustained by the informant is simple in nature which is supported by the injury report which has been brought on record.



5 . Learned A.P.P. for the State opposed the bail petition .

6. Considering the fact that out of six accused persons, five have already been given the privilege of anticipatory bail and also given the fact that the injury sustained by the informant is simple in nature and further that although the petitioner may have been alleged to have fired but no one was injured, under these circumstances, this Court is inclined to grant the privilege of anticipatory bail to the petitioner, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Madhusudanpur P.S. Case No. 35 of 2024, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita , 2023 .

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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