

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51520 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- RAJNAGAR District- Madhubani

Raushan Chaudhary @ Raushan Kumar @ Rajan Chaudhary, S/o Lal Chaudhary, Resident of Village - Chakdah, P.S- Rajnagar District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP
For the Informant	:	Mr. Saubhan Ashgar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 14-02-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Rajnagar P.S. Case No. 220 of 2023 registered for the offences punishable under Sections 143, 341, 323, 325, 307, 354A, 504 and 506 of the Indian Penal Code.

3. Based upon the *fardbeyan*, the informant alleges that on account of a land dispute, a Panchayti took place on 09.07.2023 wherein both the parties resolved their dispute. However, in the evening of the fateful day, when the husband of the informant went to the market, in the meantime, all the accused persons caught hold him and the wife of this petitioner gave a stick of bamboo through which the petitioner assaulted



the informant's husband over his head. It is also alleged that when the husband of the informant fell down, all the accused persons indiscriminately assaulted him. There is allegation of misbehave also. It is further alleged that the husband of the informant also went through a head surgery and he is facing danger to his life.

4. Learned counsel for the petitioner, referring to the FIR, primarily contended that even as per the allegation, the occurrence took place on 09.07.2023 and this FIR has been instituted on the basis of the *fardbeyan* of the informant recorded on 29.07.2023, after a delay of twenty days. It is further contended that the death of the husband of the informant took place, more than after a year of the occurrence. Moreover, the postmortem report clearly discloses that the opinion regarding cause of death could not be ascertained and thus the opinion kept reserve, till the report of chemical analysis. Learned counsel for the petitioner further contended that the genesis of the occurrence is arising out of a land dispute; the petitioner bears fair antecedent and all the more entire family members have been made accused in this case by making baseless allegation.

5. On the other hand, learned counsel for the State and learned counsel for the informant opposed the bail application and submitted that specific allegation has been levelled against



the petitioner of causing bamboo blow over the head of the husband of the informant due to which he went through a surgery of his head and later on succumbed to his injury. The complicity of the petitioner is writ large.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR as well as the postmortem report which does not disclose any injury over the body of the deceased, coupled with the fair antecedent of the petitioner and the genesis of the occurrence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Madhubani in connection with Rajnagar P.S. Case No. 220 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

