

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70769 of 2025

Arising Out of PS. Case No.-65 Year-2023 Thana- PURNEA SADAR District- Purnia

Karan Kumar @ Karan Kumar Choudhry, aged about 27 years, S/O late Raju Choudhary @ Late Sukumar Jayswal R/O Vill.- Belouri, Ward no. 44, P.S.- Sadar Mufasil, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 12-12-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. Earlier the prayer for regular bail of this petitioner was rejected by this court vide order dated 28.02.2024 passed in Cr. Misc. No. 75686 of 2023 then the second bail petition was dismissed as withdrawn vide order dated 18.07.2025 passed in Cr. Misc. No.48017 of 2025 with a liberty to the petitioner that *“he may file his bail application before the Trial Court and the learned Trial Court may consider the prayer of regular bail without being prejudice of this order.”*

3. The petitioner is in custody in a case registered for the offence punishable under Section 302/34 of the Indian Penal code.

4. As per the allegation in the FIR, it is alleged that petitioner along with other co-accused person assaulted the informant and his family members and upon the order of one, co-accused person, namely, Sita Devi, the petitioner also



assaulted the brother of the informant with the spade (*kudal*), due to which, he sustained injuries and thereafter, died on the way to the hospital.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that on perusal of letter of Medical Officer, Central Jail, Purnea dated 25.10.2025, it appears that the petitioner is suffering from mental illness and Tuberculosis for which he needs one month time for adequate medical treatment. He next submits that the petitioner is in custody since 21.01.2023 and has no criminal antecedent as stated in para-3 of the bail petition.

6. Learned counsel for the State opposes the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the fact that petitioner is suffering from mental illness and Tuberculosis, so, let the above named petitioner be released on ***provisional bail***, for a period of only one month from the date of receipt of a copy of this order, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Purnea/concerned Court in connection



with Sessions Trial No.232 of 2023/CIS No. 232 of 2023 (Arising out of Sadar (Muffasil) P.S. Case No.65 of 2023 and thereafter, the petitioner is directed to surrender before the Trial Court after completion of one month of custody.

8. The learned Trial Court is directed to expedite the trial as early as possible, as only one prosecution witness has not been examined, i.e., Investigating Officer as yet and the learned counsel for the petitioner is directed to make the *pairwi* of the petitioner as and when required due to the petitioner's poor mental condition. The learned Trial Court is directed to send report with regard to surrender of the petitioner to this Court.

9. Accordingly, the present prayer for regular bail of this petitioner is disposed of.

(Ramesh Chand Malviya, J)

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