

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.77512 of 2025

Arising Out of PS. Case No.-507 Year-2020 Thana- PHULPARAS District- Madhubani

Surendra Chaupal @ Surendra Prasad Chaupal S/o Bulan Chaupal R/o vill -
Suggapatti, P.S.- Phulparas, Distt.- Madhubani Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-11-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Phulparas P.S. Case No. 507 of 2020 corresponding to G.R. No. 1966 of 2020, registered for the offences punishable under Sections 447, 341, 323, 324, 307, 354(B), 379, 337, 504, 506 and 34 of the Indian Penal Code.

3. Allegedly, while the informant was sitting at his door, in the meanwhile, on account of some abusive exchange of talk between the wives of both the informant and one Ram Vilash Chaupal, all the FIR named accused persons variously armed came there and started assaulting, besides there is allegation of snatching valuables. There is specific allegation against this petitioner of causing assault to the sister-in-law of the informant (Renu Devi) due to which she sustained a serious injury.

4. Learned Advocate for the petitioner submitted that in course of investigation, after considering the injury report, the police submitted charge sheet against the petitioner and others in



all the penal provisions of non bailable offences; however differing with the final report, the learned court took cognizance for the offences alleged in the FIR, including the penal provision of Section 307 of the Indian Penal Code. It is further submitted that since the petitioner and others were granted the benefit of Section 41A of the Cr.P.C.; hence there was no reason or occasion to approach this Court. However, once the learned jurisdictional court took cognizance for the offences alleged, the present application has been filed. There is counter version of the present case being Phulparas P.S. Case No. 508 of 2022 instituted against the informant and other family members. Referring to the injury report, copy of which has been placed on record as Annexure-2, learned Advocate further submitted that there is no corresponding injury over the head *qua* the allegation levelled against the petitioner. The injury which is alleged to have sustained to the sister-in-law is on different part of the body. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of assault being made by the petitioner, the injured has sustained serious injury.

6. Having considered the submissions advanced by



the learned Advocates for the respective parties and taking note of the fact that the petitioner was accorded the privilege of Section 41A of the Cr.P.C. and later on the learned jurisdictional court differing with the final report has taken cognizance for the offences as alleged in the FIR, including the penal provision of Section 307 of the IPC, besides the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM II, Jhanjharpur, District Madhubani in connection with Phulparas P.S. Case No. 507 of 2020 corresponding to G.R. No. 1966 of 2020, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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