

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84529 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Niraj Kumar Chaudhary @ Amit Kumar Son of Ashok Chaudhary @ Ashok Choudhary R/o Keshopur, Bakari, P.S.- Udwantnagar, District - Bhojpur, Ara.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakure, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-12-2025 Heard learned counsel for the petitioner and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. Learned counsel for the petitioner has submitted that earlier the prayer for bail of this petitioner was rejected vide order dated 09.04.2025 in Cr. Misc. No. 85789 of 2024 with a liberty to renew his prayer for bail after six months if the trial is not concluded.

4. The case of the prosecution is that the informant alleged that while he was sitting with his son, Pintu Kumar, one Santosh Kumar Yadav came and took his son along stating that



Neeraj Kumar Chaudhary with whom he had land agreement has called him. Further, allegation is that Ashok Kumar followed them at the orchard where a party was arranged and it is alleged that in the night, there was argument between Neeraj Chaudhary and his maternal brother and he demanded from his son Rs. 36,00,000/- as part of the land payments and it is alleged that thereafter on the command of Neeraj's maternal brother, Neeraj Chaudhary opened fire. Ashok Kumar managed to escape but Pintu Kumar succumbed to the injuries.

5. Learned counsel for the petitioner has submitted that he has annexed the order sheet of the learned trial court and from perusal of the order sheet it is clear that till today only the case has been committed to the court of session; even charges has not been framed. Learned counsel for the petitioner has further submitted that from perusal of the FIR it seems that one Ashok is the eye-witness of this case. It has further been submitted that from perusal of annexure-2 it will transpire that the time of receiving information in the Police Station is 20.05.2024 at 22:30 hrs whereas the date of filing FIR is on the next date i.e. 21.05.2024 at 20:00 hrs.

6. Learned counsel for the petitioner has further submitted that the inquest was prepared prior to the filing of the



FIR and at that time also the informant has not given his statement before police rather he has waited at least for 22 hrs for making a story. It has also been submitted that from perusal of the FIR it is clear that the informant is not the eye-witness of this case. According to him one Ashok was there and he has informed him regarding this occurrence and then and there police was called, whereupon police arrived there and inquest was prepared and the dead body was sent for post-mortem.

7. It has further been submitted that as per the case of the prosecution there is direct allegation against the petitioner that he has fired at the deceased from a close range on the occipital region of head.

8. As the petitioner is in custody since 18.06.2024 and trial has not still started and there is delay in filing of the FIR, police arrived then and there at the place of occurrence, this delay of 22 hrs. has provided sufficient time to the informant to create a story.

9. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail to the petitioner.

10. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 150 of 2024 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IVth, Bhojpur at Ara.

(Ashok Kumar Pandey, J)

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