

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2676 of 2025

Arising Out of PS. Case No.-276 Year-2021 Thana- KHAGARIA District- Khagaria

Niranjan Choudhary, S/O Late Ram Parikshan Choudhary @ Late Parikshan Choudhary, Resident of Mohalla- Jay Prakash Nagar, Ward No.-23. Police Station Khagaria, District -Khagaria. At present Resident of Village- Charkhutti. Rahimpur. Police Station Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP
For the Informant	:	Mr. Shashi Saurabh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-02-2025 Heard Mr. Vivekanand Singh, learned counsel for the petitioner, Mr. Chandra Sen Prasad Singh, learned APP for the State and Mr. Shashi Saurabh, learned counsel appearing for the informant.

2. The petitioner apprehends his arrest in connection with Khagaria (Muffasil) P.S. Case No. 276 of 2021 dated 29.03.2021 registered for the offences punishable under Sections 341, 302, 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that though the petitioner is named in the FIR, but the police did not find substance in the allegations levelled against this petitioner in the FIR and consequently did not

send up the petitioner for trial, but the learned Chief Judicial Magistrate, Khagaria differing with the police conclusion took cognizance against the petitioner and the main allegation of crushing the deceased by running a tractor over him is against the co-accused Anil Chaudhary and the petitioner is simply alleged to have ordered the co-accused persons to kill the deceased. It is further submitted that the petitioner is a patient of chronic renal disease and he had to take treatment at Christian Medical College, Vellore in the Nephrology Unit and a chronic kidney disease Stage-G5 has been diagnosed to the petitioner and thereafter following the medical advice, the petitioner is undergoing dialysis twice every week and in this regard sufficient medical documents concerned to petitioner's medical treatment have been filed with this petition by way of supplementary affidavit

4. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that in the FIR, there are serious allegations against the petitioner and he not only ordered the co-accused persons to kill the deceased, but also played an active role at the initial stage of occurrence and the FIR itself shows his active participation in the alleged crime of murder. It is further submitted that against this petitioner there are criminal antecedents of 14 cases and prayer of co-accused Ranjay Kumar for anticipatory bail has been rejected by this Court vide order

dated 20.01.2025 passed in Cr. Misc. No. 666 of 2025.

5. Heard both the sides and perused the FIR, case diary and other relevant materials. Though there is serious allegation against the petitioner in the FIR but considering the facts that against him, the investigation has been completed and he is a serious patient of renal disease and as per the documents submitted by his counsel by way of supplementary affidavit, he has to undergo dialysis twice every week, in my opinion, in the said circumstances, the petitioner deserves to the relief of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Khagaria (Muffasil) P.S. Case No. 276 of 2021, subject to the conditions as laid down **under Section 438(2) of Cr.P.C.**

(Shailendra Singh, J.)

Jyoti Kumari/-

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