

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.666 of 2025

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

Ranjay Kumar @ Ranjay Chaudhary, S/o Late Sadanand Choudhary, R/o Vill-
Rahimpur, Panchkhunti, P.S - Muffasil (Khagaria), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Choudhary, Adv.
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For the Informant	:	Mr. Shashi Saurabh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-01-2025 Heard Mr. Anil Kumar Choudhary, learned counsel
appearing for the petitioner, Mr. Surendra Prasad Singh, learned
APP appearing 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. 276/2021 dated
29.03.2021 registered for the offences punishable under sections
341, 302 and 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 appearing for the petitioner are that after investigation, the
police found the petitioner to be innocent and consequently, he
was not sent up but differing with police conclusion the learned
Magistrate summoned him along with other accused persons after
taking cognizance of the alleged offences. It is further submitted



that co-accused Raushan Chaudhary @ Raushan Kumar, carrying almost similar nature of allegation, have been granted anticipatory bail by learned coordinate Bench of this Court vide order passed in Cr. Misc. No. 41023/2024 and ten persons, including the petitioner, have been named in the FIR and while taking cognizance the learned Magistrate mainly placed reliance on the allegations levelled in the FIR. It is further submitted that there is no specific allegation against the petitioner and the main allegation as to crushing the deceased by running a tractor over him is against co-accused Anil Chaudhary and the co-accused Madhu Chaudhari @ Saroj Kumar has been granted regular bail by learned co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 55691/2021.

4. On the other hand, Mr. Shashi Saurabh, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that the case of this petitioner does not stand on similar footing with co-accused Raushan Chaudhary @ Raushan Kumar as the petitioner is carrying specific allegation of assaulting the deceased by means of Lathi, Danda and Iron-rod and the said allegation is against this petitioner and co-accused persons, namely, Mukesh Chaudhary and Sanatan Chaudhary, so, on the basis of this and the previous two criminal antecedent of the petitioner, his matter can not be



treated as similar to co-accused Raushan Chaudhary @ Raushan Kumar.

5. Mr. Surendra Prasad Singh, learned APP appearing for the State has also opposed the bail prayer of the petitioner.

6. Having considered the above submissions made by informant's counsel and mainly taking into account the seriousness of the allegation appearing against this petitioner coupled with seriousness of the occurrence which relates to brutal murder and also, the informant, wife of the deceased, claimed to have witnessed the entire occurrence, this Court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

7. However considering the aforesaid fact as to the privilege of regular bail to co-accused Madhu Chaudhari @ Saroj Kumar, the petitioner is given a liberty to surrender before the trial court, if he avails this liberty and surrender within two weeks from the date of this order then the learned trial court will decide his regular bail prayer according to merit at the earliest without being prejudiced with this order.

(Shailendra Singh, J)

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