

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1961 of 2026

Arising Out of PS. Case No.-518 Year-2025 Thana- BHAGWAN BAZAR District- Saran

Kallu Chaudhary @ Dev Raj Chaudhary, S/O Gariba Chaudhary, R/o - Near
Jarti Maiya Ratanpura, P.S.- Bhagwan Bajar, Dist.- Saran.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Mrityunjay Kumar Tiwary, Advocate.
For the State : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 28-01-2026 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor representing the State.

2. This anticipatory bail application under Section 482 of BNSS, 2023, has been preferred by the petitioner after rejection of his anticipatory bail application by order dated 28.11.2025 passed by the Additional District and Sessions Judge-XIII, Saran, Chapra, seeking Anticipatory Bail in connection with Bhagwan Bajar P.S. case no.518 of 2025 registered under Sections 115(2), 118(1), 126(2), 303(2), 109 and 3(5) of B.N.S., District-Saran.

3. Brief facts of the case, which are required to be stated are that on 11.09.2025 at about 07:00 P.M., the informant-Manu Singh was going to his house from market. When he reached at Ratanpura Futani Chowk near the house of Bhagwan Rai, the



petitioner (Kallu Chaudhary alias Dev Raj Chaudhary) and co-accused Vishal Chaudhary surrounded him. At that time, co-accused Vishal Chaudhary pointed 'Katta' at the informant whereas the petitioner with an intention to kill him inflicted several knife injuries on his head and neck. Thereafter, co-accused Vishal Chaudhary caused assault to the informant/injured with the butt of Katta and other F.I.R. named accused caused assault to the informant with rod and danda. It is also alleged that the petitioner snatched the gold chain from the neck of the informant.

4. It is argued by learned counsel for the petitioner that petitioner has been falsely implicated in this case. It is further submitted that the F.I.R. has been lodged on the basis of concocted story. No such injury has been caused to the informant by the petitioner as alleged in the F.I.R. Referring to the observation made in the order dated 28.11.2025 passed by the Additional District and Sessions Judge-XIII, Saran, Chapra, in A.B.P. No.4122 of 2025, it is pointed out that the informant/injured received only one injury on his right arm, which is caused by hard and blunt object and is simple in nature. Petitioner has criminal antecedents of four cases and in all four cases, he is on bail. Averment in this regard has been mentioned



in paragraph no.3 of the bail application. Pursuant to F.I.R. of this case, the petitioner has apprehension of imminent arrest. Lastly, it is submitted that in case the petitioner is granted anticipatory bail, he would not misuse the liberty and cooperate with the investigation/trial of this case.

5. Learned Additional Public Prosecutor representing the State opposed the prayer for granting anticipatory bail to the petitioner in the light of the allegations made in the F.I.R. He also submits that as on date there is no material on record to presume the false implication of the petitioner. Considering the prosecution case, cognizable offence is made out against the petitioner.

6. Having heard the learned counsel for the parties, I find that the informant/injured has received only one injury on his non-vital part of the body, which is not corroborated from the F.I.R. version. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of anticipatory bail to the petitioner.

Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the petitioner, taking into consideration the gravity of offence, nature of accusation



and there being no possibility of his fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of **Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1**, prima facie the petitioner has made out a case for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest or surrender of the petitioner above-named within two weeks from today in the aforesaid case, he shall be released on anticipatory bail on his furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties each in the like amount to the satisfaction of the concerned Court below in connection with the aforesaid case, subject to conditions laid down under Section 482 (2) of the BNSS, 2023.

8. With the aforesaid observations and directions, this anticipatory bail application is **allowed**.

9. In case, at any stage it is found that the petitioner has disclosed his incomplete criminal history before this Court, learned Court below shall be at the liberty to cancel the bail bonds of the petitioner after hearing him and getting satisfied that the he has concealed his criminal antecedents despite his knowledge of the same.

10. It is clarified that anything said in this order is limited



to the purpose of determination of this anticipatory bail application and will not effect the merits of the case.

(Sanjay Kumar Singh, J)

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