

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28352 of 2026

Arising Out of PS. Case No.-368 Year-2025 Thana- KALYANPUR District- Samastipur

1. Rahul Kumar @ Rahul Raj S/O Laxman Chaudhary Resident of Vill.- Shivnandanpur, Muktapur, P.S- Kalyanpur, Distt.- Samastipur
2. Deepak Kumar Son of -Laxman Chaudhary. Resident of Vill.- Shivnandanpur, Muktapur, P.S- Kalyanpur, Distt.- Samastipur
3. Vikram Kumar @ Vikram Chaudhary @ Vicky Chaudhary Son of -Late Mantun Chaudhary. Resident of Vill.- Shivnandanpur, Muktapur, P.S- Kalyanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-05-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Kalyanpur P.S. Case No. 368 of 2025 registered for the alleged offence under Sections 126(2), 115(2), 303(2), 109 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, informant came to know from villagers that her husband was brutally assaulted and he was hospitalized. The informant went there and found her husband admitted in ICU. When he regained consciousness, he



named the petitioner and two other co-accused persons along with some unknown persons who assaulted him with brick, stones, *lathi*, *danda* and iron rod.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The informant has lodged this case in order to create a defence for her husband Ramjanm Choudhary @ Ramjanm Sahni. Earlier Kalyanpur P.S. Case No. 359 of 2025 was registered on the written report of one Meeta Devi, the mother of petitioner no. 3, as her husband Mantu Choudhary was shot dead by Ramjanm Sahni, the husband of the informant, with the help of his associates. When the villagers gave a chase, husband of the informant was caught but his other associates fled away from the spot. The apprehended husband of the informant was assaulted by the villagers who became violent due to shoot out in public view. The petitioners are students and they are having clean antecedent. There is specific allegation of firing upon the deceased against the husband of the informant, she roped in all these petitioners and lodged this case as a counterblast in order to put pressure upon the petitioners with an intention to take undue advantage. This fact is also clear from the chronology of the events as the incident took place on 27.10.2025 and



informant stated that her husband regained consciousness on 05.11.2025, still the FIR has been instituted by the informant on 09.11.2025 and this inordinate delay of 14 days is without any explanation and it shows afterthought and deliberation on part of the informant.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP further submits that there is specific allegation against the petitioners that they brutally assaulted the husband of the informant.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier lodged case against the husband of the informant and further considering the strong possibility of false implication of the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur/court concerned in connection with Kalyanpur P.S. Case No. 368 of 2025, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:



- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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