IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55146 of 2026

CNR No. BRHC010733362026

Arising Out of PS. Case No.-171 Year-2026 Thana- ROSERA District- Samastipur

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1. Ganesh Kumar Choudhary @ Madhav Kumar Choudhary @ Madhav Kumar Chaudhari @ Madhav Choudhary Son of Late Ram Ratan Choudhary @ Ram Ratan Chaudhari Resident of Village- Thahar, P.S.- Rosera, District- Samastipur.
2. Kanhaiya Kumar Choudhary @ Kanhaiya Kumar Chaudhari @ Kanhaiya Chaudhar Son of Late Ram Ratan Choudhary @ Ram Ratan Chaudhari Resident of Village- Thahar, P.S.- Rosera, District- Samastipur.
3. Sumant Kumar Choudhary @ Sumant Kumar @ Suman Kumar Chaudhari Son of Late Ram Ratan Choudhary @ Ram Ratan Chaudhari Resident of Village- Thahar, P.S.- Rosera, District- Samastipur.
4. Santosh Paswan Son of Late Baijnath Paswan Resident of Village- Thahar, P.S.- Rosera, District- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the State : Mr. Shahabuddin Azeem @ S. Azeem, APP
For the Informant : Mr. Sarvottam Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 18-11-2026 Heard learned counsel for the petitioners as well as the informant and learned APP for the State.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 329(3), 126(2), 115(2), 110, 303(2), 324(3), 352, 351(2), 3(5) of the BNS.

3. As per the prosecution case, on 07.05.2026, all the accused persons including the petitioners came armed with rods, swords and axes and assaulted the informant and his father due to which they got seriously injured. It is further alleged that they also

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looted Rs. 50,000/-, a laptop and a mobile.

4. Learned counsel for the petitioners submits that it would be evident from the FIR itself that there is general and omnibus allegation on all the accused persons of having come armed to the house of the informant and there is a specific allegation on petitioner no. 4, Santosh Paswan of abusing the informant and assaulting him with iron rod, however, the said assault has led to a simple injury, being caused to the informant. Further, the allegation of assaulting the father of the informant, has been made upon petitioner nos. 1, 2 and 3, who subsequently succumbed to the injury received. It is submitted that the said allegation is also general and omnibus in nature and according to the death certificate, the deceased was admitted in hospital on 14.05.2026 and he died on 18.05.2026. It has been further submitted that immediate cause of death was Cardio-pulmonary arrest and as such, the petitioners are not responsible for the death of the deceased. The petitioners are in custody since 21.05.2026. Charges have already been framed, however, the examination of witnesses has not started.

5. Learned APP for the State and learned counsel for the informant, however vehemently oppose the bail petition on the ground that the deceased had suffered several severe injuries, which later led to his death and there is a direct allegation on petitioner nos. 1, 2 and 3 of having assaulted the deceased by means of iron rod, *farsa* etc.

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6. Taking into consideration the facts and circumstances and also considering the fact that so far as petitioner no. 4, Santosh Paswan is concerned, there is no allegation of assaulting the deceased, as such, let the above named petitioner no. 4, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Rosera, Distt-Samastipur/concerned Court below in connection with Rosera P.S. Case No. 171 of 2026.

7. So far as petitioner nos. 1, 2 and 3 are concerned, since there is allegation upon them of having assaulted the deceased, I am not inclined to grant bail to them at this stage. Accordingly, the bail application on behalf of petitioner nos. 1, 2 and 3 is rejected.

8. However, a report with regard to the stage of trial reveals that expected period of time to conclude the trial would be more than six months after framing of charge. It has been submitted that charges have been framed and the petitioner nos. 1, 2 and 3 are thus, granted liberty to renew their prayer for bail if no substantial progress is made during a reasonable frame of time.

(Soni Shrivastava, J)

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