

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65869 of 2025

Arising Out of PS. Case No.-165 Year-2024 Thana- PATEPUR District- Vaishali

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1. Harendra Chaudhary S/o Rajendra Chaudhary R/o village- Simarwara Durgapur, PS- Patepur, District- Vaishali
 2. Paramanand Chaudhary S/o Rajendra Chaudhary R/o village- Simarwara Durgapur, PS- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 24-02-2026 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail, arises out of Patepur Police Station Case No. 165 of 2024, disclosing offence under Section 302/34 of the Bhartiya Nyaya Sanhita.

3. The prosecution case, as per the First Information Report, is that on 07.06.2024, the husband of the informant, namely, Jageshwar Choudhari (deceased), had gone to Simarwara Durgapur from Siwan in the evening. During the night, when he went behind his house, the accused persons named in the F.I.R. assaulted and killed him. The villagers saw



the dead body in the morning at 07:00 a:m and informed the informant on her phone about the death of her husband.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. There is a delay of two days in lodging the F.I.R., which creates doubt regarding the prosecution story. There is previous enmity between the accused persons and the deceased, inasmuch as the deceased was one of the co-accused in the murder of the son of co-accused Rajendra Choudhary. Referring to the post-mortem report, learned counsel submits that the cause of death has been opined as shock due to Myocardial infraction. No external injury has been noticed by the doctor, in the post-mortem report annexed as Annexure-3.

5. On the other hand, learned counsel for the State submits that the petitioners are specifically named in the F.I.R. and there is previous enmity between them also. In inquest report prepared by the police, external injuries were found on the body of the deceased. Altogether four injuries were noted in the inquest report, which, however, do not find mention in the post-mortem report.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the gravity of



offence and the severity of punishment and the fact that there is a difference between the post-mortem report and the inquest report, regarding external injury, I am not inclined to grant the petitioners privilege of anticipatory bail.

7. In the result, the prayer for anticipatory bail is rejected.

(Anil Kumar Sinha, J)

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