

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88738 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Rajendra Kumar Chaudhary@ Rajendra Choudhary @ Rajendra Kumar Son of Late Ram Pratap Mandal @ Ram Pratap Mandar@ Ram Pratap Choudhary Resident of village - Panchveer, Ward No.- 8, P.S.- Sahebpur Kamal, District - Begusarai
 2. Ritesh Kumar @ Chotu Kumar Son of Niranjana Choudhary Resident of village - Panchveer, Ward No.- 8, P.S.- Sahebpur Kamal, District - Begusarai
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 88581 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Niranjana Choudhary S/o Late Ram Pratap Mandal @ Ram Pratap Choudhary R/o Village - Panchveer, Ward no. 8, P.S - Sahebpur Kamal, District - Begusarai
 2. Nitish Kumar S/o Niranjana Choudhary R/o Village - Panchveer, Ward no. 8, P.S - Sahebpur Kamal, District - Begusarai
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 88738 of 2025)

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 88581 of 2025)

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 27-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under Sections 103(1)



and 3(5) of the B.N.S.

3. The case of the prosecution, in short, is that the father of the informant was cleaning the surface on the occasion of Jitiya Puja. Well was locked. He demanded key from Rajendra Kumar Chaudhary. He denied to handover the key to father of the informant. After that Rajendra Kumar Chaudhary abused the father of the informant. When the father of the informant objected the abusing, it is alleged that other names accused persons arrived there and started assaulting the father of the informant. The father of the informant went towards his house. It is alleged that all the accused persons entered in the house and started assaulting and when the father of the informant climbed on the roof of the house to save himself, it is alleged that all the accused persons pushed him due to which he fell down from the roof and during course of treatment he died.

4. Learned counsel for the petitioners submits that during course of investigation, some independent witnesses have stated that the deceased was in habit of consuming intoxicant and that on the date of the occurrence he himself has climbed on the roof and has jumped from there. Learned counsel for the petitioners has further submitted from perusal of Paragraph '31' of the case diary where one witness Julie Kumari



has stated that the deceased himself was abusing the accused persons and her aunt has gone to have a dip in Ganga river. After that a scuffle took place and her aunt has closed the deceased in a room. After sometime, the deceased climbed on the roof and fell down. After that he was rushed to Doctor Mustafa. Dr. Mustafa referred him to Begusarai and from Begusarai he was referred to Patna and died during course of reaching to Patna.

5. Learned counsel for the petitioners has further submitted that from perusal of the statement of the independent witnesses it is clear that the deceased himself has climbed on the roof and has fallen from there. It is further submitted that from perusal of the FIR it is clear that no weapon of assault in alleged and it is general and omnibus allegation that all the accused persons have pushed the deceased down from the roof. Learned counsel for the petitioners has submitted that from perusal of the Post-mortem report also it will transpire that the Doctor conducting autopsy of the deceased has opined that cause of death ***“in my opinion is that death was due to neurogenic and hypovolemic shock as a result of above mentioned injuries caused by heavy, hard and blunt object.”*** So from the perusal of the post-mortem report it is clear that death was due to falling



from the roof. Now the question is who has thrown the deceased from the roof. In this regard, learned counsel for the petitioner has submitted that independent witnesses have categorically stated that the victim himself has fallen from the roof as he has consumed some intoxicant.

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and submitted that the deceased has gone to his house for saving himself and the accused persons also went there and even they went on the roof where the deceased has gone to save himself and he was ultimately thrown from the roof. Learned APP has further stated that the deceased has received multiple injuries and from perusal of the order of the learned trial court it will also transpire that in post-mortem report it was not found that the deceased has consumed some intoxicant.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sahebpur Kamal P.S. Case No. 277 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned



ACJM-IV, Begusarai.

8. Accordingly, the present bail application stands
allowed.

(Ashok Kumar Pandey, J)

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