

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40317 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- AMARPUR District- Banka

Kunal Choudhay @ Kunal Kumar Choudhay, S/O Birendra Choudhary, R/O
Village- Bharko, P.S.- Amarpur, Dist-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Mr. Dhananjay Kumar Pandey, learned
counsel appearing on behalf of the petitioner and Mr. Ashok
Kumar Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Amarpur P.S. Case No. 127 of 2024 registered under
Sections 147, 148, 149, 188, 341, 323, 307, 332, 333, 353, 379,
504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, which is
against 9 named co-accused persons, including the petitioner
and 10-11 unknown accused, specific allegation is that they
interfered with the police force by creating obstacle in
Government’s work and had also assaulted the police officials,
due to which they sustained injuries.

4. Learned counsel appearing on behalf of the

petitioner submits that the offence, as alleged against the petitioner, is general and omnibus and the injury sustained is also simple in nature. Allegation of theft has been made, however, no action has been taken for the allegation made against the petitioner under the **Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation & Storage) Rules, 2019**, which shows that to implicate the petitioner in false accusation, he has been made accused in the present application.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation, as well as, the fact that the allegation made in the FIR is general and omnibus and there is no allegation against the petitioner that he had indulged in illegal mining, rather, he has been made accused for obstructing the police officials from performing their duties. The allegation against the petitioner is general and omnibus.

7. Learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the

satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 127 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

Ashishsingh/-
Saurabh/-

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