

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43363 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- MADHWAPUR District- Madhubani

AADITYA KUMAR @ AADITYA KUMAR CHAUDHARY @ AADITYA CHAUDHARY SON OF KALESHWAR CHAUDHARY RESIDENT OF VILLAGE - BASUKI BIHARI, WARD NO. 6, POLICE STATION MADHWAPUR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CHAWKIDAR 2/3 RAM LAGAN PASWAN SON OF MALBAR PASWAN RESIDENT OF VILLAGE - BAIRBA, POLICE STATION MADHWAPUR, DISTRICT - MADHUBANI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-02-2024 1. Heard learned counsel for the petitioner and learned Spl.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 332, 333, 353, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act, Sections 3(i)(r)(s)/3(2)(va) of the SC/ST Act and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner, at the outset, submits that petitioner has antecedent of one case. It is further submitted that the allegation as alleged in the FIR is that petitioner along with Guddu Chaudhary assaulted Chawkidar



Jaymangal Yadav by butt of the pistol causing bleeding injury on face and nose. Further, other accused persons also assaulted him along with the informant and other Chawkidars and the accused persons even tore the clothe of Jaymangal Yadav. Learned counsel next submits that the allegation against this petitioner is akin to what has been alleged against Guddu Chaudhary but then Guddu Chaudhary had moved before this Court seeking anticipatory bail by filing Cr. Misc. No. 19895 of 2023 which was allowed by a Coordinate Bench of this Court by an order dated 17.05.2023.

4. Learned Spl.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that from perusal of the order dated 17.05.2023 in Cr. Misc. No. 19895 of 2023, it would manifest that this Court was misled in granting anticipatory bail to the petitioner as the order dated 17.05.2023 records that so far as allegation in respect of offence under Section 307 IPC is concerned, same is general and omnibus in nature. No specific overt act is alleged against the petitioner.

5. It is submitted that in the FIR, it has been specifically alleged that Guddu Chaudhary along with this petitioner had assaulted Jaymangal Yadav causing injury on his



vital part of the body but then the said fact appears to have been concealed from the Coordinate Bench of this Court.

6. Considering the submissions made by the learned Spl.P.P. and the fact that there is direct allegation against this petitioner of assaulting the Chawkidar along with Guddu Chaudhary, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Madhwapur P.S. Case No. 78 of 2022 pending in the Court of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani/successor Court.

7. Accordingly, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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