

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47011 of 2024

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

Ashish Kumar Choudhary @ Ajitesh Kumar Son Of Balram Yadav @ Balram Pd. Yadav R/O Village- Chhoti Govindpur, (Phulka), Police Station- Jamalpur, District- Munger. At Present Resident Of Village- Rampur, P.S.- Amarpur, Dist.- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Amarpur P.S. Case No. 127 of 2024 registered for the offence under Sections 147, 148, 149, 188, 341, 323, 307, 332, 333, 353, 379, 504, 506 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in custody since 19.03.2024.

4. The allegation against the petitioner is to assault police officials along with other co-accused persons who made raid to check activities of illegal mining, causing bodily injuries having



intention to cause their death. Allegation is also available to deter police officials to discharge their official duties.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is falsely implicated in present case as he was already known to local police due to his criminal antecedents as he found involved in two more criminal cases. It is submitted that the maximum allegation against the petitioner what can be gathered from bare perusal of FIR is only being the member of the mob. It is further pointed out that injuries caused during occurrence are simple in nature, which is not sufficient to suggest that the same may likely to cause death of injured as to attract the allegation prima-facie under Section 307 of the Indian Penal Code. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. In view of the aforesaid factual submissions, as no specific allegation regarding physical assault or to deter police official in discharging their duties is available against the petitioner, coupled with fact that charge- sheet has already been submitted, where petitioner is in custody since 19.03.2024., let the petitioner, above named, is directed to be released on bail in connection with Amarpur P.S. Case No. 127 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J)

Neha/-

U		T	
---	--	---	--

