

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50197 of 2024

Arising Out of PS. Case No.-706 Year-2023 Thana- AMARPUR District- Banka

ANKAJ KUMAR CHOUDHARY @ ANKAJ CHOUDHARY S/O LATE
AJAY KUMAR CHOUDHARY R/O VILLAGE- RAMPUR, P.S-
AMARPUR, DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Narayan Singh
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-10-2024 1. Heard the parties.

2. The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 706 of 2023 dated 25.10.2023 registered
under Sections 341, 323, 324, 307, 504 / 34 of the I.P.C.

3. As per the First Information Report on 25.10.2023 the
informant's son namely, Shubham Yadav was going to market
on his motorcycle, which dashed with the toto e-rickshaw of the
co-accused / Amit Kumar Chaudhary. It has further been alleged
that the petitioner along with other accused persons surrounded
the informant's son and when the informant intervened in the
matter he too was assaulted by the petitioner and other accused
persons by *lathi, danda* etc. causing injury on his head.

4. Learned counsel for the petitioner submits that petitioner



has falsely been implicated in this case in the clash between the motorcyclist and the driver of toto e-rickshaw. The petitioner is neither the driver of the toto e-rickshaw nor he was plying the motorcycle. The petitioner has no concern with the quarrel which took place between the motorcyclist and the driver of the toto e-rickshaw. On the contrary, he was a passer-by and tried to pacify the dispute between the informant and the co-accused / Amit Kumar Choudhary. A counter case has been lodged by Amit Kumar Choudhary i.e. the owner of the toto e-rickshaw for an incident which had taken place on the same date and time bearing Amarapur P.S. Case No. 707 of 2023. The other accused persons have been granted regular bail by the learned C.J.M., Banka including Amit Kumar Choudhary and Ashish Yadav @ Ashish Kumar Choudhary. Placing the order dated 03.07.2024 & 04.11.2023 of the learned C.J.M., Banka, learned counsel submits that injuries sustained by the victim are simple in nature, however, in the impugned order of the learned Sessions Judge, Banka, the injury no. 3 has been shown as grievous in nature. The allegation against the petitioner is general and omnibus in nature. The similarly situated co-accused / Pankaj Kumar Choudhary @ Pankaj Choudhary has been granted the privilege of anticipatory bail by this Court in Cr. Misc. No.



49126 of 2024. The petitioner is in custody since 22.03.2024.

5. Regard being had to the submission made by the parties, taking into consideration the fact that other accused persons have been granted bail by the learned C.J.M., Banka, similarly situated co-accused / Pankaj Kumar Choudhary @ Pankaj Choudhary has been extended the privilege of anticipatory bail by this Court, the allegation against the petitioner is general and omnibus in nature and the period of custody, I am inclined to grant regular bail to the petitioner.

6. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Banka / concerned court in connection with Amarpur P.S. Case No. 706 of 2023.

(Anil Kumar Sinha, J)

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