

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49126 of 2024

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

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PANKAJ KUMAR CHOUDHARY @ PANKAJ 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

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest 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 E-rickshaw of the
co-accused / Amit Kumar Choudhary. 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 E-rickshaw. The petitioner is neither the driver of the E-rickshaw nor was plying the motorcycle. The petitioner has no concern with the quarrel which took place between the motorcyclist and the driver of the 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. owner of the 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 learned C.J.M., Banka including Amit Kumar Choudhary and Ashish Yadav @ Ashish Kumar Chpudhary. 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.

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 and allegation against the petitioner is general and omnibus in nature, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case No. 706 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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