

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66155 of 2024

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

Mukund Choudhary @ Mukesh Kumar Choudhary, S/o Bilash Choudhary,
Resident of Village-Rampur, P.S- Amarpur, Dist- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhananjay Pandey, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending 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 case of prosecution, all nine named accused persons including the petitioner and 10-11 unknown accused persons interfered with the police force by creating obstacle in government's work and had also assaulted the police officials, where the police persons sustained injuries. It also alleged that the assault was made with intention to cause



death of police personnel.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegation *qua* physical assault against petitioner is appearing very general and omnibus and moreover the injuries sustained by police personnel are also simple in nature *prima facie* negate the intention of petitioner and other co-accused persons to cause death. It is also submitted that the allegation of theft is without any basis as no action, till date was taken for theft of sand against petitioner under the **Bihar Minerals (Concession, Prevention of Illegal Mining, Transportation and Storage) Rules, 2019**. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail and moreover, similarly situated co-accused Kunal Choudhary @ Kunal Kumar Choudhary has also granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.40317 of 2024 dated 03.07.2024.

5. Learned APP appearing on behalf of the State opposes the prayer for anticipatory bail.



6. In view of aforesaid factual submissions and by taking note of fact as the allegation of physical assault is appearing very much general and omnibus, where the nature of injury found simple *prima facie* negating the intention to cause death of the injured, coupled with fact that no action was taken for alleged theft of sand against petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No.127 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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