

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76257 of 2024

Arising Out of PS. Case No.-673 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Akash Kumar @ Akash Chaudhary S/O Jokhan Chaudhary R/O Mohalla-
Khirkighat, P.S- Sasaram(T), District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 191(2), 191(3), 190, 115(2), 127(2), 109(1), 299, 196, 352 of the BNS.

3. The prosecution case as stated in the First Information Report is that on 07.08.2024, an information was received that two groups were quarreling and the door of one Abhishek Kumar was knocked and he came out and saw that three boys were fleeing away who were apprehended on chase and they disclosed the names of other two boys who had made an escape. In the later part of the First Information Report, it has been submitted that during the course of assault which happened subsequently, it has been alleged that this petitioner along with



one Ankur Choudhary and other 4-5 persons were resorting to throwing bricks from the roof of the house as a consequence of which one Ahsan Ali got injured.

4. Learned counsel for the petitioner submits that a perusal of the First Information Report itself would go to show that an open fight had taken place between the members of the two communities and there is general and omnibus allegation on this petitioner that he along with others participated in the action of throwing bricks as a consequence of which one person got injured. Learned counsel for the petitioner further submits that even if it is be believed that the petitioner engaged himself in throwing bricks it could not have been intended to seriously hurt anyone and could only be for the purpose of retaliation.

5. Learned APP for the State, however, opposes the prayer for bail by stating that the injury report of the injured Ahsan Ali would go to show that he has received grievous injuries and also that the petitioner has criminal antecedents.

6. Taking into consideration the fact that there is general and omnibus allegation in the FIR and no specific allegation has been attributed to the petitioner and also the fact that the act of the petitioner was not directed towards any person with the required intention and hence, Section 109 of the



B.N.S. also does not seem to be made out. So far as the antecedent of the petitioner is concerned, learned counsel for the petitioner submits that he is on bail in all the cases. Let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Sasaram (T) P.S. Case No. 673 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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