

IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE-III, KATIHAR
ANTICIPATORY BAIL PETITION NO. 437/2026
(Arising out of Katihar (Sahayak) P.S. Case No. 616/2024)

Fantush Choudhary & Others

... Petitioners

Versus

The State of Bihar

... Opposite Party

Ld. Counsel for the petitioners:-
Ld. Counsel for the State :-

Sri Kumar Prem Prakash, Advocate
Sri Akhilesh Singh, APP

Date of hearing/Disposal: 08.06.2026

ORDER

An anticipatory bail petition has been filed on behalf of the accused petitioners namely (1) Fantush Choudhary, (2) Suraj Kumar @ Chhote and (3) Sunil Kumar @ Lola Choudhary, who are apprehending their arrests in connection with Katihar (Sahayak) P.S. Case No. 616/2024 for the offence registered U/S 115(2), 126(2), 351(2), 351(3) 352, 109 of the B.N.S. The copy of the same has already been duly served to the Ld. Addl. P.P. for the State.

Heard the Ld. counsel for the petitioners and the learned A.P.P. for the State.

The Ld. counsel of the petitioners have submitted that no B.P. or A.B.P. on behalf of the accused petitioners have been filed or moved earlier before this court or before the Hon'ble High Court, Patna. The petitioners are quite innocent and have committed no offence and they have been falsely implicated in this case. That the petitioners no. 1 has one criminal history and petitioner no. 2 & 3 have no criminal history. That there is no evidence against these petitioners. The petitioners are local man and no chance of their absconding. The petitioners are ready to furnish local and solvent bailors to the satisfaction of the court. Accordingly, prayed to grant bail.

On the other hand, the Ld. Addl. P.P. vehemently opposed the prayer of A.B.P. filed on behalf of the above named accused petitioners and submitted that the petitioners have committed the alleged offence under well planned manner. Hence, it is requested to reject the petition of the above named accused petitioners.

The case of the prosecution, in brief, is that on 28.08.24 at about 02:00 PM the informant Vijay Malik went to Bheria Rahika with his wife Juli Devi to see the fair. When they reached Gaushala, six persons namely Sugam Chouhan, Karan Kumar, Raza Kumar, Sunil Kumar @ Lola Choudhary Suraj Kumar @ Chote and Fantush Choudhary came and assaulted the informant, his wife and his friend Rajesh Chouhan with brick, stone and fists. Sugam Chouhan assaulted Rajesh Chouhan on his head with rod and threatened them. They took Rajesh Chouhan to Sadar Hospital Katihar and he received treatment. When the informant returned, 15 persons assaulted him at Shitla mor. He caught one person namely Karan Kumar and handed over to Sahayak police station. Hence, the present case.

Heard rival submission of the Ld. counsel on behalf of the accused petitioners and the Ld. Addl.P.P. for the State and perused the C.D. From perusal of the same, it transpires

that the present Katihar (Sahayak) P.S. Case No. 616/2024 has registered U/S 115(2), 126(2), 351(2), 351(3) 352, 109 of the B.N.S. against the accused person. Petitioners are not named accused in the F.I.R. and there are general and omnibus allegations against them. The specific allegation of causing head injury by an iron rod has been attributed to Surgim Chauhan and his associates. The injuries appears to be simple in nature. The petitioner no. 1 has one criminal history and petitioner no. 2 & 3 have no any criminal history. They are ready to co-operate during investigation and trial in this case and there is no chance of absconding or tampering with the evidence.

Hence, considering the above facts and circumstances of the case, the present anticipatory bail petition of the above named accused petitioners are hereby allowed and the petitioners in the event of their arrests or surrender **within four (4) weeks of this order**, shall be admitted to bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the court.

(Sd/-)

(Sunil Kumar Singh-III)
D.A.S.J.- III, Katihar
08.06.2026