

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40237 of 2019

Arising Out of PS. Case No.-435 Year-2018 Thana- BUDDHACOLONY District- Patna

Raj Kishore Yadav, son of Late Waquiul Yadav @ Waquil Yadav Resident of
Village - Narayanpur, P.S.- Bhawanipur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Buddha Colony P.S. Case No.435 of 2018 for the offence
punishable under Sections 147, 148, 149, 188, 341, 323, 325,
332, 333, 337, 338, 353, 427, 449, 450, 451, 452, 461, 120(B)
of the Indian Penal Code and $\frac{3}{4}$ of the Damage to Public
Property Act.

The allegation against the petitioner is that he along
with 166 other accused persons who were trainee constable was
indulged in rioting and creating disturbance.

Learned counsel for the petitioner submits that in the
First Information Report, it is apparent that the trainee
constables who were agitating were creating disturbances and



were indulged in rioting due to death of one trainee alleging lack of proper medical aid.

Learned counsel for the petitioner further submits that petitioner is not a trainee constable and he has allegedly been implicated in the First Information Report along with more than 150 persons on the basis of the fact that he was present in the police line. Learned counsel for the petitioner submits that in fact the petitioner was present in the police line for the purpose of receiving command and was not indulged in any rioting at the place of occurrence. He further submits that for the same occurrence, two FIRs were lodged by the police. Second FIR is with regard to Buddha Colony P.S. Case No.436 of 2018 in which the same allegation has been levelled as in the present bail application. He further submits that the petitioner was also made accused in Buddha Colony P.S. Case No.436 of 2018 in which he has been granted bail by this Court in Cr. Misc. No.39337 of 2019.

After having heard learned counsel for the petitioner as well as learned counsel for the State and after perusal of the materials available on record and taking into consideration the fact that the petitioner had granted anticipatory bail in Cr. Misc. No.39337 of 2019 by this Court on 27.06.2019, the above



named petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-XVI, Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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