

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47210 of 2021

Arising Out of PS. Case No.-78 Year-2018 Thana- GAYA RAIL P.S. District- Gaya

1. SURAJ KUAMR Son of Sideshwar Paswan Resident of Village - Tekuna Farm, P.S. - Bodhgaya, District - Gaya.
2. VIKARAM KUMAR Son of Ramkrit Paswan Resident of Village - Tekuna Farm, P.S. - Bodhgaya, District - Gaya.
3. BRIJU PASWAN Son of Suresh Paswan Resident of Village - Tekuna Farm, P.S. - Bodhgaya, District - Gaya.
4. RAKESH KUMAR Son of Rajdeo Paswan Resident of Village - Tekuna Farm, P.S. - Bodhgaya, District - Gaya.
5. MANOJ KUMAR Son of Yamuna Paswan Resident of Village - Tekuna Farm, P.S. - Bodhgaya, District - Gaya.
6. MANOHAR PASWAN Son of Ram Brikch Paswan Resident of Village - Paharpur Prakash Bigha, P.S. - Tankuppa, District - Gaya.
7. ANIL KUMAR @ PRAVIN KUAMR @ PRAVIN PASWAN Son of Saryug Paswan Resident of village - Kaler, P.S. Magadh Medical, District - Gaya.
8. UPENDRA PASWAN Son of Late Yadu Paswan Resident of village - Charowa, P.S. Magadh Medical, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a



period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 7 namely, Anil Kumar @ Pravin Kumar @ Pravin Paswan as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 7 namely, Anil Kumar @ Pravin Kumar @ Pravin Paswan is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 1 to 6 and 8 and the State through virtual mode.

The petitioner Nos. 1 to 6 and 8 are apprehending their arrest in Gaya Rail P.S. Case No. 78 of 2018 registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 353, 333, 427 of the Indian Penal Code and Sections-146, 147, 150, 151, 153, 174 of Railway Act.

Allegedly, in the name of “Bharat Band”, 27 named and in huge number of unknown persons damaged the Railway property.

It has been submitted on behalf of the petitioner Nos. 1 to 6 & 8 that the petitioner Nos. 1 to 4, 6 & 8 have got no criminal



antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos. 1 to 6 and 8. The petitioner Nos. 1 to 6 and 8 have been falsely implicated in the present case. There was a protest on the eve of “Bharat Band”. General and omnibus allegation has been made against the petitioner Nos. 1 to 6 and 8. No specific overt act is alleged against the petitioner Nos. 1 to 6 and 8. Altogether 27 named persons along with 2000 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioner Nos. 1 to 6 and 8 are named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 1 to 6 and 8, above named, in the event of arrest or surrender before the learned court below within a



period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Spl. Railway Judicial Magistrate, Gaya in connection with Gaya Rail P.S. Case No. 78 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 1 to 6 and 8 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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