

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44785 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- KHARIK District- Bhagalpur

1. Nitesh Yadav @ Chandra Sekhar @ Nitish Yadav, Son of Ramswarup Yadav, Resident of Village - Kaluchak Bishwapuriya, P.s.- Nadi, Distt.- Bhagalpur.
2. Nandan Kumar, Son of Murali Mandal, Resident of Village - Old Bhawanpur, P.s.- Kharik, Distt.- Bhagalpur.
3. Santosh Kumar, Son of Anjani Sah, Resident of Village - Bari Nima , P.s.- Jagdishpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Kharik P.S. Case No. 153 of 2022 registered for
the alleged offences under Sections 147, 148, 149, 341, 342,
323, 307, 436, 186, 188, 332, 333, 338, 353, 427 and 504 of the
Indian Penal Code.

As per prosecution case, the petitioners were
members of a mob which was armed with *lathi* and *danda* and



they were agitating against the Government Scheme of Agnipath for recruitment in the Army. They damaged the property of Railway and they attacked the police party causing a number of injuries to the police personnel. They damaged the police vehicles and the police had to resort to firing in the air to disperse the mob.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is clear from the FIR that the miscreants covered their faces so it is not clear how the petitioners were identified by the police. The petitioners were not arrested from the spot and nothing incriminating has been recovered from the conscious possession of the petitioners. Petitioners did not participate in the protest against Agnipath Scheme. Charge-sheet has been submitted in this case and the petitioners are in custody since 19.06.2022. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the nature of allegation coupled with the clean antecedent of the petitioners along with their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty



thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachia in connection with Kharik P.S. Case No. 153 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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