

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56092 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- TARAPUR District- Munger

Kundan Kumar S/o Santu Yadav R/o Village- Nawtoliya (Sondiha), P.S.-
Tarapur, District- Jamui, Bihar 813321

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45157 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- TARAPUR District- Munger

CHANDAN KUMAR S/o Surendra Sah R/o Village- Gandhi Nagar
(Sondiha), P.S.- Tarapur, District- Jamui, Bihar- 813321.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56092 of 2022)

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

(In CRIMINAL MISCELLANEOUS No. 45157 of 2022)

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-11-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioners seek bail in connection with Tarapur

P.S. Case No. 105 of 2022, registered for the offences

punishable under Sections 147, 148, 149, 427, 353, 269,

270, 332 and 504 of the Indian Penal Code.



The prosecution story as emerging from the FIR is that the petitioners and their associates, armed with Lathi, danda etc., were alleged to have caused hindrance in discharging duty of the police personnel. They were also alleged to have damaged the public property and pelted stones upon the police personnel.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are students of young age. He also submits that there is no specific allegations against the petitioners and the allegation levelled are general and omnibus in nature. He further submits that nothing has been recovered from the possession of the petitioners and similarly situated co-accused person, namely Ankit Kumar, has already been enlarged on bail by a Co-ordinate Bench of this Court, vide order dated 14.11.2022, passed in Cr. Misc. No. 42836 of 2022.

The petitioners, namely, Kundan Kumar and Chandan Kumar, have been languishing in jail since



19.06.2022.

It is also stated in paragraph no. 2 of the petition that petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned APP for the State has vehemently opposed the prayer of petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the fact that the petitioners are students having no criminal antecedents, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M. - IV, Munger in connection with Tarapur P.S. Case No. 105 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing him and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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