

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44898 of 2022

Arising Out of PS. Case No.-562 Year-2022 Thana- DANAPUR District- Patna

1. ANKIT KUMAR Son of Mahesh Prasad Balmiki @ Mahesh Prasad Balmi Resident of Company Bag, Police Station- Danapur, District - Patna.
2. rahul Kumar @ Rahul Kumar Son of Ram Prasad Resident of Company Bag, Police Station- Danapur, District - Patna.
3. Ashraf @ Md. Ashraf Son of Md. Shamsuddin Resident of Company Bag, Police Station- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioners seek bail in connection with Danapur P.S. Case No. 562 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 188, 427, 504, 506, 290, 120(B) of the Indian Penal Code read with Sections 3 and 4 of the Prevention of Damage to Public



Property.

As per prosecution case, petitioners are among the demonstrators who were demonstrating against delay in publishing the result of Army, Navy and Air Force written examination. It is alleged that they were armed with Lathi, Danda and they were disturbing the traffic and also damaging the public property.

Learned counsel for the petitioners submits that petitioners are in custody since 23.06.2022. Petitioners bear criminal antecedent of two cases which has been arisen on the same date of alleged occurrence. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that petitioners are not named in FIR. During the course of investigation, petitioner no.1 disclosed that he alongwith petitioner no. 2 and 3 had gone alongwith motorcycle in question in the protest. He further submits that the aforesaid confessional statement has got no evidentiary value in eye of law. On similar allegation, co-accused Devi Jaiswal has already been granted bail vide Cr. Misc. No. 52836 of 2022 by co-ordinate bench of this court.

The learned A.P.P. for the State vehemently



opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, co-accused person has already been granted bail by co-ordinate bench of the court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 562 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iv) If the petitioners are found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel their bail bond.

(Alok Kumar Pandey, J)

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