

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50200 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

SURAJ KUMAR Son of - Shambhu Paswan @ Sambhu Paswan Resident of
Village- Gosaitola, ward No. 21, P.S.- Lakhisarai, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Kiul Rail P.S. Case No.68 of 2022 instituted under Sections 147, 148,
149, 353, 436, 457, 411, 302, 427 of the IPC and under Sections 150,
151, 152, 145, 146, 147, 174(A) of Railway Act.

As per the prosecution story, the Station Master alleged
that opposing the ‘Agniveer’ Project of Government of India, the
students took out procession, 500 of them reached Lakhisarai Station
and resorted to violence, ransacked the coaches and also torched the
train which led to burning of 21 coaches of 12368 DN which was at
that time at Platform No.2.

Accordingly, Kiul Rail P.S. Case No.68 of 2022 was
lodged and the accused persons including the petitioner herein were



taken into custody.

Learned counsel for the petitioner submits that he is a man of 24 years, an aspirant of different competitive exams and out of curiosity, he was there but may be on the basis of CCTV footage, he has been picked up and in that way his future has become bleak by being in custody since 18.06.2022 (as stated in para-10 of the bail application).

Taking into account the aforesaid fact as also that he do not have any criminal antecedent, is in custody since 18.06.2022, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kiul Rail P.S. Case No.68 of 2022 to the satisfaction of learned Railway Judicial Magistrate, Kiul (Lakhisarai), subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise



or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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