

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50965 of 2022

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

ROSHAN KUMAR @ RAUSHAN KUMAR SON OF NARENDRA
PRASAD @ NAGENDRA PRASAD RAI R/O VILLAGE- JAI NAGAR,
P.S.- MANER, POST OFFICE- MADHOPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53095 of 2022

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

1. GAJENDRA KUMAR S/O DHARAMVEER SINGH @ DHARAMBEER
SINGH Resident of Mohalla- Nasirganj Maner, P.S.- Maner, P.O.- Maner,
District- Patna.
2. SURAJ KUMAR S/O LATE SHANKAR PRASAD Resident of Mohalla-
Nasirganj Maner, P.S.- Maner, P.O.- Maner, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54037 of 2022

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

PAWAN KUMAR S/o Raju Mahto R/o Mohalla- Sultanpur Devi Mandir, P.S.-
Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54484 of 2022

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

AJIT KUMAR Son of Ashok Singh Resident of Back Side Civil Court on
Takiapar, Nasirganj, Danapur, Chitrakut Nagar, P.S- Danapur, Dist- Patna



... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50965 of 2022)

For the Petitioner/s : Mr. Naushad Akhtar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 53095 of 2022)

For the Petitioner/s : Mr. Naushad Akhtar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

(In CRIMINAL MISCELLANEOUS No. 54037 of 2022)

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

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

(In CRIMINAL MISCELLANEOUS No. 54484 of 2022)

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-12-2022

IN CR. MISC. NO. 50965 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

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

The accused/petitioner is named in the F.I.R. and is in custody since 18.06.2022.

The allegation against the petitioner is to protest



Agniveer “process of recruitment”, as announced by Indian Army, despite of imposing of Section 144 of the Cr.P.C., in the locality, causing damage to several public properties, what come in their way of protest along with other 82 named and 1000 unnamed protesters.

Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation attributed against this petitioner, towards participation. It is also pointed that the petitioner has been implicated on the basis of suspicion without surfacing connecting evidence, during course of investigation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the allegation against this petitioner is very much general and omnibus without specifying any overt act coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Danapur P.S. Case No. 562 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Danapur, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 53095 OF 2022

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

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

The accused/petitioners are named in the F.I.R. and are in custody since 18.06.2022.

The allegation against the petitioners is to protest Agniveer “process of recruitment”, as announced by Indian Army, despite of imposing of Section 144 of the Cr.P.C., in the locality, causing damage to several public properties, what come in their way of protest along with other 82 named and 1000



unnamed protesters.

Learned counsel appearing on behalf of the petitioners submitted that there is no specific allegation attributed against these petitioners, towards participation. It is also pointed that the petitioners have been implicated on the basis of suspicion without surfacing connecting evidence, during course of investigation. While concluding the argument, it is submitted that petitioners are man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the allegation against both the petitioners is very much general and omnibus without specifying any overt act coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Danapur P.S. Case No. 562 of 2022 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 A.C.J.M. 1st, Danapur, Patna/concerned court, subject



to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 54037 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

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

The accused/petitioner is not named in the F.I.R. and is in custody since 19.06.2022.

The allegation against the petitioner is to protest Agniveer “process of recruitment”, as announced by Indian Army, despite of imposing of Section 144 of the Cr.P.C., in the locality, causing damage to several public properties, what come in their way of protest along with other 82 named and 1000 unnamed protesters.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis



of confessional statement of other co-accused, namely, Ranjan Kumar, where, no incriminating material recovered/surfaced, during course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence. It is submitted that there is no specific allegation against this petitioner was regard to any overt act, where, maximum allegation appears to be the part of mob only. It is further submitted that antecedent of the petitioner was clean prior to this antecedent, but subsequently, he was named in three other cases, arises out of same protest without have any connecting evidence, purely on the basis of suspicion. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the allegation against this petitioner is very much general and omnibus without specifying any overt act coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Danapur P.S. Case No. 562 of 2022 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Danapur, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 54484 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

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

The accused/petitioner is not named in the F.I.R. and is in custody since 19.06.2022.

The allegation against the petitioner is to protest Agniveer “process of recruitment”, as announced by Indian Army, despite of imposing of Section 144 of the Cr.P.C., in the locality, causing damage to several public properties, what come in their way of protest along with other 82 named and 1000 unnamed protesters.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of other co-accused, namely, Ranjan Kumar, where, no incriminating material recovered/surfaced, during course of investigation, to connect this petitioner, *prima facie*, with the present set of occurrence. It is submitted that there is no specific allegation against this petitioner was regard to any overt act, where, maximum allegation appears to be the part of mob only. It is further submitted that antecedent of the petitioner was clean prior to this antecedent, but subsequently, he was named in three other cases, arises out of same protest without have any connecting evidence, purely on the basis of suspicion. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the allegation against this petitioner is very much general and omnibus without specifying any overt act coupled with the fact that charge-sheet has already been submitted, let



the petitioner, above named, is directed to be released on bail in connection with Danapur P.S. Case No. 562 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Danapur, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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