

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55406 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- MASAUDHI District- Patna

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Amit Kumar Son of Late Subhash Prasad Resident of Village- Jamalparbigaha,
P.S- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the State : Mr. Aditya Narayan Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Masaurhi
P.S. Case No. 358 of 2022 registered for the offence under
Sections 147, 148, 149, 332, 333, 353, 307, 337, 338, 435,
120(B) and 427 of the Indian Penal Code and Section 3/4 of the
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 fire upon
police party and also pelting stones, while protesting Agniveer



Scheme of recruitment in military, which was called by certain political parties, alongwith 75 named and 1000 to 1500 unknown co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation or overt act available against this petitioner, where admittedly, as per F.I.R., petitioner was the part of crowd only. It is submitted that prior to this occurrence, antecedent of this petitioner was clean but he was involved in 3 more cases out of same protest. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation is limited to be a part of crowd only, without specifying any overt act coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaurhi P.S. Case No. 358 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 Additional Chief Judicial Magistrate, Masaurhi/concerned court, subject to the



following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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