

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57985 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- JEHANABAD RAIL P.S. District- Patna

1. Rohit Kumar Son of Parmanand Prasad, Resident at Muhalla- Srinagar Kalluchak, PO- Masaurhi, PS- Masaurhi, Patna, Bihar 804452
2. Ashish Kumar Son of Sunil Prasad, Resident at Muhalla- Srinagar Kalluchak PO- Masaurhi, PS- Masaurhi, Patna, Bihar 804452

... .. Petitioner/s

Versus

The State of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Sessions Trial No.1063 of 2022 arising out of Rail P.S.
Jehanabad (Taregana) Case No. 66 of 2022, lodged under
Sections 147, 148, 149, 186, 447, 341, 323, 325, 307, 332, 333,
337, 338, 353, 380, 427, 435, 436, 506 & 120(B) of the Indian
Penal Code read with 3/4 of Damage to Public Property Act and
Sections 146, 147, 151, 153 & 174 of Railway Act & Section 27
of Arms Act.

As per prosecution case, 500-700 demonstrators

armed with *lathi*, rod, iron pipe went towards Railway Station and started damaging, loot and burning in the engine of train as well as damage the private vehicles and also committed misbehave with public shop keepers and other officials by way of pelting stones and attempt to burn the Government vehicles in retaliation of implementation in opposition of a Government Scheme for *Agniveer* and *Agnipath*.

Learned counsel for the petitioners submits that the petitioners have not participated with the protester of the scheme of Government of India as petitioners have hardware shop in Masaudhi market and CCTV footage of both petitioners and customers are available at the time of occurrence. He further submits that the Police caught the petitioners from shop after 3 hours despite of showing them CCTV footage. He also submits that there were 3 cases relating to *Agniveer* were filed and they are named in all 3 cases, except those cases, their criminal antecedents are clean and they are in custody since 18.06.2022. Learned counsel further submits that other co-accused person has already been granted bail by this Court vide order dated 09.11.2022 passed in Cr. Misc. No. 57113 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Patna in connection with Sessions Trial No.1063 of 2022 arising out of Rail P.S. Jehanabad (Taregana) Case No. 66 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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