

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56839 of 2022

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

Rohit Kumar S/O Mithilesh Prasad, Resident Of Village- Jayram Bigha (maimabad), P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59515 of 2022

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

Ravi Kumar Son Of Jitendra Mistri, Resident Of Village- Shree Nagar, P.S- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 59905 of 2022

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

Vicky Kumar @ Vikki Kumar Son Of Sanjay Bhola @ Sanjay Kumar @ Sanjay Prasad, Resident Of Mohalla- Shree Nagar, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 64985 of 2022

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

Niku Kumar S/O Paulesh Prasad Singh @ Polesh Singh, R/O Village- Jagdishpur, P.S- Massaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 65490 of 2022

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

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Vikash Kumar Son Of Late Baijnath Prasad, R/V- Anjni, P.S.- Dhanarua,
District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 67314 of 2022

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

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Avinash Kumar S/O Shankar Prasad, Resident Of Village- Lakhibag, P.S.-
Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 67912 of 2022

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

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Vikash Kumar Son Of Vinod Prasad @ Binod Prasad, Resident Of Village -
Chiraiatarh, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 69674 of 2022

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

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Arvind Kumar S/O Upendra Yadav, R/O Village- Sukana Bigha, P.S.-
Jehanabad, Distt- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 71841 of 2022

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

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- 1. Prabhat Kumar Son Of Ramesh Kumar, R/O- Shyam Nagar, P.S.- Masaurhi, District- Patna
- 2. Uday Kumar Son Of Manglu Yadav @ Mangru Sah @ Mangru Sadhu, R/O- Haminagar, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 56839 of 2022)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP
(In CRIMINAL MISCELLANEOUS No. 59515 of 2022)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP
(In CRIMINAL MISCELLANEOUS No. 59905 of 2022)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP
(In CRIMINAL MISCELLANEOUS No. 64985 of 2022)
For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
(In CRIMINAL MISCELLANEOUS No. 65490 of 2022)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 67314 of 2022)
For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 67912 of 2022)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 69674 of 2022)
For the Petitioner/s : Mr. Nand Kishore Prasad, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 71841 of 2022)
For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 Let the defects, if any, be removed within two weeks

from today.

Heard learned counsels for the petitioners and learned A.P.Ps. for the State.

The petitioners seek regular bail in connection with Sessions Trial No. 1063 of 2022, arising out of Jehanabad Rail P.S. 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 and 120B of the I.P.C.; Sections 3/4 of the Damage to Public Property Act; Sections 146, 147, 151, 153 and 174 of the Railway Act and Section 27 of the Arms Act.

There are in total 9 cases arising from the same P.S., therefore, hearing in all 9 cases are being made simultaneously.

As per prosecution case, the petitioners are alleged to be the member of unlawful assembly and protest the Government's decision relating to implementation of Agnipath recruitment policy. Allegations of burning train, trying to block traffic at Station *Chowk* and trying to stop train by keeping sleepers on railway track and also misbehaving with the concerned police officers are there. With these allegations 75 named and 1500 unknown persons were made accused.

Learned counsel for the petitioner of Cr. Misc. No. 56839 of 2022 submits that petitioner is in custody since

28.06.2022 and there is no specific allegation against him. He further submits that petitioner is a student of Intermediate pass and has to take admission in B.A. part-I. He further submits that petitioner visited in the Masaurhi market to take medicine where he was arrested by the police only on the suspicion. Counsel further submits that petitioner is not in the CCTV footage. On the point of his criminal antecedent, counsel submits that there are two criminal cases pending against him in addition to the present one but all three cases are relating to Agniveer matter, save and except his antecedent is clean. He further submits that similarly situated other co-accused of this case have been granted bail by the Co-ordinate Bench of this Court as well as by this Court.

Learned counsel for the petitioner of Cr. Misc. No. 59515 of 2022 submits that petitioner is in custody since 18.06.2022 and there is no specific allegation against him. He further submits that petitioner is a student of Intermediate pass and he is accused No.42 in the F.I.R.. Counsel further submits that petitioner is not in the CCTV footage. On the point of his criminal antecedent, counsel submits that there are two criminal cases pending against him in addition to the present one but all three cases are relating to Agniveer matter, save and except his

antecedent is clean. He further submits that charge sheet has already been filed in this case.

Learned counsel for the petitioner of Cr. Misc. No. 59905 of 2022 submits that petitioner is in custody since 28.06.2022 and there is no specific allegation against him. He further submits that petitioner is not a student rather he is vendor who used to sale balloon. On the point of his criminal antecedent, counsel submits that there are two criminal cases pending against him in addition to the present one but all three cases are relating to Agniveer matter, save and except his antecedent is clean. He further submits that similarly situated other co-accused of this case have been granted bail by the Co-ordinate Bench of this Court as well as by this Court.

Learned counsel for the petitioner of Cr. Misc. No. 64985 of 2022 submits that petitioner is in custody since 18.06.2022 and there is no specific allegation against him. He further submits that petitioner is innocent and has committed no offence. Police has arrested him when he went to medical shop to purchase medicine for his mother and remanded in the present case. He further submits that petitioner is already graduate and not the aspirant of Agniveer Scheme. He further submits that similarly situated other co-accused of this case

have been granted bail by the Co-ordinate Bench of this Court as well as by this Court.

Learned counsel for the petitioner of Cr. Misc. No. 65490 of 2022 submits that petitioner is in custody since 28.06.2022 and there is no specific allegation against him. He further submits that the name of the petitioner has figured in the F.I.R. at Serial No. 28. He further submits that petitioner is labour and he is only person who used to look after his family. Petitioner is only 8th pass and not the aspirant of Agniveer scheme. He further submits that similarly situated other co-accused of this case have been granted bail by the Co-ordinate Bench of this Court as well as by this Court.

Learned counsel for the petitioner of Cr. Misc. No. 67314 of 2022 submits that petitioner is in custody since 12.07.2022 and there is no specific allegation against him. He further submits that the name of the petitioner has figured in this case at Sl. No. 6 and petitioner is not the applicant of Agniveer scheme. He further submits that nothing was recovered from the possession of the petitioner and there is no criminal antecedent except the cases relating to Agniveer.

Learned counsel for the petitioner of Cr. Misc. No. 67912 of 2022 submits that petitioner is in custody since

28.06.2022 and there is no specific allegation against him. He further submits that the of the petitioner has figured at Sl. No. 45 in the F.I.R.. Counsel further submits that petitioner has no concern with Agniveer scheme, he is completed his graduation in B.Sc. Hons. and preparing of higher studies and not interested for Agniveer scheme. He became the scapegoat to show the efficiency of the police. He further submits that petitioner is not in the CCTV footage.

Learned counsel for the petitioner of Cr. Misc. No. 69674 of 2022 submits that petitioner is in custody since 18.06.2022 and there is no specific allegation against him. He further submits that the name of the petitioner has figured in the F.I.R. at Sl. No. 32 and charge sheet has already been filed in this case. On the point of his criminal antecedent, counsel submits that there are two criminal cases pending against him only relating to Agniveer matter, save and except his antecedent is clean. He further submits that nothing was recovered from the possession of the petitioner and petitioner is a student and prepare for different examination.

Learned counsel for the petitioners of Cr. Misc. No. 71841 of 2022 submits that petitioners are in custody since 18.06.2022 and there is no specific allegation against them. He

further submits that the name of the petitioners have figured in the F.I.R. at Sl. Nos. 30 and 20. He further submits that petitioners are neither student of any coaching nor relating to any political party nor participated in the act of violation. He further submits that petitioners are law abiding persons and they are arrested only on suspicion. He further submits that charge sheet has already been filed in this case and they have clean antecedent except the cases relating to Agniveer.

Learned counsels for the State oppose the prayer for bail and submits that all the petitioners were opposed the Central Government Scheme of Agniveer due to which they were apprehended but the counsels also accept that similarly situated other co-accused of the present case have already been granted bail by the Co-ordinate Bench of this Court as well as by the present Court.

In the present facts and circumstances of these cases 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 Rail P.S. Jehanabad (Taregna) 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 bonds.

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 he 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 bonds.

With this observation, the bail applications stand allowed.

(Dr. Anshuman, J.)

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