

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57113 of 2022

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

AMIT KUMAR Son of Late Subash Prasad, Resident of Village-
Jamalpurbigha, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2022 This case has been listed under heading “To Be
Mentioned” after allowing the mention slip before Hon’ble
Division Bench.

Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
S.Tr. No. 1063 of 2022 arising out of Rail P.S. Jehanabad
(Taregna) 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 120(B) of the Indian Penal Code,
section ¾ of Damage to Public Property Act, sections 146, 147,
151, 153 and 174 of Railway Act and section 27 of Arms Act.

The accused petitioner is named in the F.I.R. and he is in custody since 18.06.2022. The allegation against the petitioner is to fire upon the police party while protesting the Agniveer Scheme on the recruitment in the Military which was called by certain political parties alongwith 75 named and 1002 to 1005 unknown co-accused persons. Learned counsel for the petitioner further submits that there is no specific allegation against the petitioner, as per the F.I.R. the petitioner was the part of the crowd only. Learned counsel further submits that prior to this event, the antecedent of the petitioner was clean but after the said date, there were 3 F.I.Rs. filed and petitioner was named in all the 3 cases, except on the said date of occurrence, there is no criminal antecedent of the petitioner. It is submitted that investigation has already been completed, charge sheet has already been filed in this case and trial has also commenced. He further submits that there is no chance of tampering the evidence. Learned counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the court. Counsel further submits that petitioner has been granted bail in a similar situated case by the Co-ordinate Bench of this Court vide order dated 04.11.2022 passed in Cr. Misc. No. 55406 of 2022, though the P.S. Case No. of the

said case was different but with identical allegation.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances as mentioned and considering the fact that the petitioner was only member of crowd without any specific allegation or overt act, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Patna in connection with S. Tr. No. 1063 of 2022 arising out of 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 petitioner 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 his bail bond.

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

C. The petitioner 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 his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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