

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62706 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Kundan Kumar S/O Sri Mahanth Mahto Resident of village- Pandey Tola,
P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Sugauli
Rail FIR No.32 of 2022 registered for the offence under
Sections 147, 148, 149, 353, 337, 338, 435, 427 and 379 of the
Indian Penal Code, Sections 150, 151, 153, 174(a) of the
Railway Act and Section 3/4 of the Prevention of Damage to
Public Property Act, 1984.

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



is in custody since 19.08.2022.

The allegation against the petitioner is to damage train, bus etc., and also pelting stones on police party, while protesting Agniveer Scheme of recruitment in military, which was called by certain political parties, alongwith 700 to 800 unknown accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and his name surfaced on the basis of suspicion arising out of CCTV footage, where petitioner was found running away due to mob wave, while crossing with crowd near his house. It is also submitted that there is no specific allegation against this petitioner, as per the F.I.R. 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 for bail.

In view of the facts and circumstances as mentioned above as allegation is limited to be part of the crowd only without specifying any overt act coupled with the fact that



charge-sheet has already been submitted, let above named petitioner with Sugauli Rail FIR No. 32 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 Railway Judicial Magistrate, Bettiah, West Champaran/concerned court, subject to following conditions:-

(i) That 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 the medical ground of the petitioner, duly supported by the documents.



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

(Chandra Shekhar Jha, J)

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