

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.59267 of 2022**

Arising Out of PS. Case No.-457 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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ABHAY KUMAR PATEL Son of Late Suraj Raut Resident of Mohalla-
Durga Nagar, New Bus Stand, Ward No- 38, P.S- Bettiah Town, District- West
Champaran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shiv Kumar Dwivedy, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2022 Learned counsel for the petitioner undertakes to
remove the SR defects by 16th January, 2023.

At the outset, learned counsel for the petitioner seeks
permission to say that in paragraph ‘3’ of the petition though
police station case number is mentioned but the name of police
station has not been typed. It is submitted that it should be
Bettiah Town P.S. Case No. 456/2022 and the same be read
accordingly.

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

Petitioner, in the present case, is seeking regular bail
in connection with Bettiah Town P.S. Case No. 457/2022
registered for the offences punishable under Section



143/147/148/149/341/323/353/332/333/338/435/436/307/427 /
504/120(B)/395/412 of the Indian Penal Code and 27 of the
Arms Act and $\frac{3}{4}$ of the Prevention of Damage to Public Property
Act. He is in custody since 22.06.2022 having one criminal
antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was
on patrolling duty, he got secret information that some protesters
are going to attack at the house of Hon'ble M.P. Sri Dr. Sanjay
Jaiswal with weapons etc. When the police party reached there
they saw that the house of the Hon'ble M.P. has been
completely damaged by protesters and attempts were being
made to set it on fire by sprinkling petrol. The mob also attacked
on the police party and tried to snatch government weapons. The
informant further alleged that with the help of police personnel
total 19 miscreants were arrested by police.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case. Learned
counsel submits that petitioner is earning his livelihood by
selling of Bhujia Pakaudi shop in the premises of the Civil Court,
Bettiah and on the alleged date of occurrence he was present at
his shop, however he is in custody in connection with this case
since 22.06.2022.



Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR, in the alleged agitation against the Agnivir scheme of the government some persons were named in the FIR and some persons were shown as unknown, the petitioner is a young boy and has remained in custody since 22.06.2022, investigation against him is complete and at this stage there is no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 457/2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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