

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64962 of 2022

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

Chandan Kumar S/O Nageshwar Prasad, R/O Village- Pakri, P.S- Masaurhi,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71220 of 2022

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

1. Pintu Paswan S/O Shri Naresh Paswan, R/O Village- Khapura, P.S- Paliganj,
District- Patna
2. Abhishek Kumar S/O Ramesh Yadav, Resident at Krishnapuri, P.S-
Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64962 of 2022)

For the Petitioner/s : Mr. Nand Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

(In CRIMINAL MISCELLANEOUS No. 71220 of 2022)

For the Petitioner/s : Mr. Birendra Narayan Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-12-2022 Let the defect, 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

S.T. No. 1063 of 2022, arising out of Rail P.S. Jehanabad (Taregana) 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 I.P.C., Sections 3/4 of Damage to Public Property Act, Sections 146, 147, 151, 153 and 174 of the Railway Act and Section 27 of Arms Act.

Learned counsels for the petitioners submit that all the petitioners are named in the F.I.R. and they are in custody since 18.06.2022. They further submit that the allegation against the petitioners are to make fire upon the police party while protesting 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 counsels for the petitioners further submit that there is no specific allegation against the petitioners. As per the FIR, the petitioners are part of crowd only. Learned counsels further submit that prior to this events the antecedents of the petitioners were clean but after the said date, there were three FIRs lodged against the petitioners and they were named in all three cases. They further submit that investigation has already been completed, charge-sheet has already been filed in this case and trial has also commenced. Counsels further submit that there is

no chance of tempering the evidence. Counsels further submit that they are ready to fulfill all the conditions whatsoever shall be imposed upon them by the court. Counsels further submit that similarly situated co-accused persons of this case have been granted bail by the Co-ordinate Bench of this Court as well as by this Court. Cases of all the petitioners are squarely covered.

Learned counsels for the State opposes the prayer for bail and submit that in Agniveer matter the bail has been granted to the different accused persons from the different Co-ordinate Benches.

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 S.T. No. 1063 of 2022, arising out of Rail P.S. Jehanabad (Taregana) P.S. 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 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 bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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