

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68778 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- MASAUDHI District- Patna

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MOMINDRA BIND SON OF LATE SURENDRA BIND R/O VILLAGE-
PABHERI, P.S.- DHANARUA, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 71928 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- MASAUDHI District- Patna

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VIKASH KUMAR S/O Late Baijnath Prasad R/O Village- Anjni, P.S-
Dhanarua, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68778 of 2022)

For the Petitioner/s : Mr. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 71928 of 2022)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

:

Mr. Aditya Pandey, Advocate

:

Mr. Rakesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022

(In Cr. Misc. No. 68778 of 2022)

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.



The petitioner seeks bail in connection with Masaudhi P.S. Case No. 358 of 2022 registered for the offence under Sections 147, 148, 149, 332, 333, 353, 307, 337, 338, 435, 120(B) and 427 of the Indian Penal Code and Section 3/4 of the Damage to Public Property Act.

The accused/petitioner is named in the F.I.R. and is in custody since 18.06.2022.

The allegation against the petitioner is to damage property of rail, bus, other public properties etc. by putting them on fire and also pelting stones over police personnels, while protesting Agniveer Scheme of recruitment in military, which was called by certain political parties, alongwith 75 named and 1000 to 1500 unknown co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation or overt act available against this petitioner, where admittedly, as per F.I.R., petitioner was the part of crowd only. It is submitted that prior to this occurrence, antecedent of this petitioner was clean but he was named in one (1) more case out of same protest. It is further submitted that it is highly improbable to present petitioner at two (2) different places of occurrence at same time be at Masaurhi and Jehanabad GRP Area. While concluding the



argument, it is submitted that investigation in this case is complete for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation is limited to be a part of crowd only, without specifying any overt act coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaudhi P.S. Case No. 358 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 Additional Chief Judicial Magistrate, Masaurhi/concerned Court, subject to the following conditions:

“(i) That the 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 learned 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



learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

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

(In Cr. Misc. No. 71928 of 2022)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Masaudhi P.S. Case No. 358 of 2022 registered for the offence under Sections 147, 148, 149, 332, 333, 353, 307, 337, 338, 435, 120(B) and 427 of the Indian Penal Code and Section 3/4 of the Damage to Public Property Act.

The accused/petitioner is named in the F.I.R. and is in custody since 19.06.2022.

The allegation against the petitioner is to damage property of rail, bus, other public properties etc. by putting them on fire and also pelting stones over police personnels, while protesting Agniveer Scheme of recruitment in military, which



was called by certain political parties, alongwith 75 named and 1000 to 1500 unknown co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation or overt act available against this petitioner, where admittedly, as per F.I.R., petitioner was the part of crowd only. It is submitted that prior to this occurrence, antecedent of this petitioner was clean but he was named in one (1) more case out of same protest. It is further submitted that it is highly improbable to present petitioner at two (2) different places of occurrence at same time be at Masaurhi and Jehanabad GRP Area. While concluding the argument, it is submitted that investigation in this case is complete for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation is limited to be a part of crowd only, without specifying any overt act coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaudhi P.S. Case No. 358 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 Additional Chief Judicial Magistrate, Masaurhi, Patna/concerned Court, subject to the following conditions:

“(i) That the 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 learned 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 learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

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

(Chandra Shekhar Jha, J)

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