

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2165 of 2023

Arising Out of PS. Case No.-562 Year-2022 Thana- DANAPUR District- Patna

Abhishek Kumar Yadav @ Abhishek Kumar, S/o Vishnu Bhagwan Yadav @
Bishnu Bhagwan Yadav, Resident Of Village- Niyazipur(Dada Baba Ke
Dera), P.S.- Simari, Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Danapur P.S. Case No. 562 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 353, 188, 427, 504, 506, 290 and 120(B) of the Indian Penal Code and Sections 3 and 4 of the Prevention of Damage to Public Property Act.

3. As per prosecution case, petitioner is stated to be a conspirator along with other co-accused persons who were members of a whatsapp chat group which instigated others for violent protest and consequent to the instigation a large number of mob destroyed public and private property in a big way.



4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR but his name surfaced during investigation on the basis of confessional statement of co-accused persons and from a whatsapp chat group. Petitioner has never been a candidate for selection for any post in Army nor he is prospective candidate. The petitioner did not participate in the protest by the mob and he was not arrested from the spot and nothing incriminating has been recovered from his possession. Petitioner is in custody since 23.06.2022 and charge sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP has opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material against this petitioner coupled with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 562 of 2022, subject to the



conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

