

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10108 of 2023

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

DHIRAJ KUMAR S/O Raj Balam Mahto R/O Village- Bhadaura, P.S-
Masaurhi, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Sessions Trial No. 1063/2022 arising out of Jehanabad (*Tarenga*) Rail P.S. Case No. 66 of 2022 dated 18.06.2022 registered for the offences punishable 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 Indian Penal Code and Sections 3 and 4 of the Damage to Public Property Act and Sections 146, 147, 151, 153 and 174 of the Railway Act and



Section 27 of Arms Act.

4. As per the prosecution, the informant along with other police personnel were on patrolling duty at Jehanabad (*Tarenga*) railway station in view of the protest against *Agnipath Scheme* by the students and in the meantime, 1500 students armed with lathi, danda and country-made pistol came there and started damaging the government properties. It is further alleged that these miscreants took away Rs. 1,18,000/- from the railway booking counter.

5. The main submissions advanced by petitioner's counsel are that the petitioner is innocent and has committed no offence as the petitioner is an illiterate labourer, who has no concern with the *Agnipath Scheme*, though he is named at serial no. 43 in the FIR but he was not seen in the CCTV footage and there is nothing on record to show as to who conveyed the name of this petitioner to the informant and no specific overt act has been alleged against the petitioner. Further submissions are that there is general and omnibus allegation against the petitioner and the petitioner has been implicated in the instant matter due to high handedness of the police officials and he has been languishing in jail since 12.07.2022 and there are criminal antecedents of two cases against the petitioner and he is a young



person.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Heard both the sides and perused the FIR and order impugned. Considering the above submissions and mainly the facts that the petitioner is stated to be an illiterate labourer, having young age as mentioned in his petition and languishing in jail since 12.07.2022 and there is general and omnibus allegation against the petitioner, in my opinion the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sessions Trial No. 1063/2022 arising out of Jehanabad Rail P.S. Case No. 66 of 2022.

(Shailendra Singh, J)

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