

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6461 of 2023

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

VIVEK GOSWAMI Son of Suraj Goswami R/v- Akangarsarai, P.S.-
Akangarsarai, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11605 of 2023

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

1. MD. DANISH SON OF MD. ALI HUSSAIN R/O VILL.- MALIKANA,
P.S.- MASAUHRI, DISTT.- PATNA
2. MD. ASHIF @ MD. ASIF RAJA SON OF LATE MD. ABDUL KALAM
(IN F.I.R. AND IMPUGNED ORDER WRONGLY MENTIONED AS MD.
ALI HUSSAIN), R/O VILL.- TEKNARI, P.S.- PATEPUR, DISTT.-
VAISHALI, AT PRESENT RESIDING AT VILL.- MALIKANA, P.S.-
MASAUHRI, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6461 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

(In CRIMINAL MISCELLANEOUS No. 11605 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.

Mr. Md.Imteyaz Ahmad, Adv.

Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail, who are in custody since

18.06.2022 (Vivek Goswami) & 28.06.2022 (Md. Danish &



MD. ASHIF @ MD. ASIF RAJA) respectively in connection with Rail P.S. Jehanabad (Taregna) Case No. 66of 2022, F.I.R. 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, 120(B) of IPC, Section 3/4 of Prevention of Damage to Public Property Act, Sections 146, 147, 151, 153, 174 of the Railway Act and Section 27 of the Arms Act.

According to the prosecution case, as emerges from the FIR is that on getting information that students have called strike for protesting against the Central Government Agniveer Scheme, the informant arrested the petitioners for being part of the mob, for obstructing the way of trains and also for damaging railway property, in order to maintain law and order.

Learned counsel appearing for the petitioners submits that the petitioner no.1, namely, Vivek Goswami has clean antecedent and the petitioner no.2 and 3 namely, Md. Danish and Md. Ashif @ Md. Asif Raja have carried two criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation



against these petitioners rather there is general and omnibus allegation against the petitioners. He further submits that the petitioners are not arrested from the spot rather the police has arrested them from their house and nothing incriminating article has been recovered from the possession of the petitioners and the petitioners are neither the members of any organization nor they are aspirants of Defence service of the Central Government and the petitioners have no concern at all with the alleged occurrence. He further submits that the similarly situated co-accused person, namely, Rohit Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 23.12.2022 passed in Cr. Misc. No. 56839 of 2022, another co-accused namely, Amit Kumar has been granted bail vide order dated 09.11.2022 passed in Cr. Misc. No. 57113/2022, another co-accused namely, Chintu Kumar has been granted bail vide order dated 22.12.2022 passed in Cr. Misc. No. 57476/2022 and several other co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted charge sheet against the petitioners and the petitioner no.1, namely, Vivek Goswami is in custody since 18.06.2022 and the petitioner no.2 and 3, namely, Md. Danish and Md. Ashif @ Md. Asif Raja are in custody



since 28.06.2022.

Learned APP for the State on the other hand has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.2 and 3, namely, Md. Danish and Md. Ashif @ Md. Asif Raja have carried two criminal antecedent of similar nature other than the present one but fairly submits that the petitioners are on bail in both the cases.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Patna, in connection with Rail P.S. Jehanabad (Taregna) Case No. 66 of 2022, corresponding to S.Tr. No. 1063/2022, with the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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