

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26356 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- KHARIK District- Bhagalpur

NITISH KUMAR Son of Sunil Yadav Resident of village-Kalluchak, Police Station-Nadi (Naugachia), District-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 13.01.2023 in connection with Kharik P.S. Case No. 153 of 2022, F.I.R. dated 17.06.2022 registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 307, 436, 186, 188, 332, 333, 338, 353, 427, 504 of IPC.

As per prosecution case, petitioner was the member of 100-150 persons who damaged vehicle and railway line during the protest regarding recruitment of agnipath yojna of army.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the



allegation as alleged in the FIR is false and fabricated and it appears from the FIR that there is general and omnibus allegation against 17 named accused persons including the petitioner and about 100-150 unknown persons. Further submits that the name of the petitioner has been transpired on the basis of C.C.T.V. Footage as well as information given by the local people. There is no specific allegation of any assault or overt-act attributed against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.01.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 153 of 2022, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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