

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48360 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- KIUL RPF/POST District- Lakhisarai

SUBHASH KUMAR SON OF SURESH YADAV RESIDENT OF
VILLAGE- RAMNAGAR, PS- KIUL, DISTT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Prakash, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-08-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with RPF Kiul P.S. Case No.03 of 2022, registered for offences punishable under Sections 3 RP (UP) Act and 147, 145, 146, 153, 174(A) of the Railway Act.

The allegation is regarding more than 500 protesters, having pelted stones on train coaches and burnt the train coaches and luggages of the passengers at the platform of Lakhisarai Railway Station. The name of the petitioner has transpired in the present case during the course of investigation, upon confessional statement made



by the co-accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has not been named in the F.I.R., however, his name has transpired, subsequently, during the course of investigation, without any evidence to the effect that he was actually the person, who had engaged in destroying the public property, whereas the fact is that no specific allegation has been levelled against him. It has also been submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail, by a co-ordinate Bench of this Court vide order dated 09.08.2023, passed in Cr. Misc. No.45075 of 2023.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not named in the F.I.R. and a general and omnibus allegation has been levelled qua him, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.50,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul, Lakhisarai in connection with RPF Kiul P.S. Case No.03 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

sonal/-

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

