

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47216 of 2023

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

Mulayam Singh Yadav @ Mulayam Yadav Son of Sitaram Yadav, Resident of
Village- Lakhochak (Bichhwey), P.S.- Kiul, Dist.- Lakhisarai

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. The petitioner in the present case is seeking pre-arrest bail in connection with RPF Kiul P.S. Case No. 03 of 2022 registered for the offences punishable under Sections 147, 145, 146, 153, 147(A) of the Railway Act. He has got no criminal antecedent.

3. As per the prosecution story, on 17.06.2022 at about 07:05 A.M. about 500 unknown persons reached at the platform of Lakhisarai Railway Station in the protest of Agnipath Yojna New Recruitment Rules of Army and further other 500 unknown people also reached there and pelted stones on the rail and set fire to the rail coach which burnt 21 coaches and also luggage of the passengers were also burnt. Accordingly, the RPF Police registered FIR against 1000 unknown persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent.

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

6. Having regard to the fact that this petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused and he has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with RPF Kiul P.S. Case No. 03 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned RJM Kiul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. While going through the impugned order passed by the learned Additional District and Sessions Judge, Ist Court, Lakhisarai, this Court has noticed that in the observation part of its order where the court has recorded its finding after perusal of the case diary, the observations of the court are in favour of the petitioner, therefore, this Court is unable to comprehend the rejection of the anticipatory bail application by the learned court below. In other words, there is no reason for rejection shown in the impugned order and the observations are in favour of the petitioner. To avoid this situation, let this order be communicated to the learned District Judge, Lakhisarai to place it before the learned Additional District and Sessions Judge, Ist Court, Lakhisarai for his perusal.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

tusharika/-

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

