

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55830 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

Pawan Kumar S/O Ravindra Yadav R/O Village- Bihraura, PS. Ramgarh
Chowk, Dist. Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narsingh Tanti, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with GRP Kiul P.S. Case No. 68 of 2022 for the offences punishable under Sections 147, 148, 149, 353, 436, 457, 380, 411, 302 and 427 of the Indian Penal Code and Sections 150, 151, 152, 145, 146, 147, 174A of the Railway Act lodged on 17.06.2022 by the informant, Rajnish Kumar.

3. As per the prosecution story, the accused persons were agitating with regard to examination relating to Agniveer scheme launched by the Indian Army and in course thereof allegation is that the Railways' property were damaged which



include the train. About 1000 accused persons were there. Accordingly, the FIR.

4. It is the case of the petitioner that he has been implicated only on the basis of information given by the spy and no role played. He is a student of M.A. course, has remained in custody since 22.05.2023 (paragraph-1 of the petition) and the paragraph-3 shows antecedents only because in another Agniveer case, he has been implicated. The submission is that co-accused Kanhaiya Kumar and Navlesh Kumar @ Naulez Kumar have been granted bail by different co-ordinate Benches of this Court in Cr. Misc. No.2250 of 2023 and Cr. Misc. No.21064 of 2023 respectively. Let the same be kept on record.

5. Learned APP opposes the aforesaid submission and stated that they have damaged the railway property.

6. Though the peaceful agitation turns violent and the accused persons in the circumstance loose their force of demand, they damaged the government property which actually belong to the public themselves.

7. Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that the similar placed co-accuseds have since been released on bail, this Court



is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Railway Judicial Magistrate, Kiul, Lakhisarai, in connection with GRP Kiul P.S. Case No. 68 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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